

LAKE PLACID TOWN COUNCIL
and
Local Planning Agency (LPA)
Joint Special Meeting
08/15/2016 5:30 PM
Town of Lake Placid
Town Hall

5:40 P.M. Call to Order - Mayor John Holbrook

ROLL CALL:

Town Council

Roll Call

Mayor John Holbrook
Council Member Ray Royce
Council Member Debra Worley
Council Member Arlene Tuck
Council Member Donald Boyd

Local Planning Agency

Chairman Hoz Compton
Member Jack Edgemon
Member Eddie Oxer
Member Ken LeBlanc
Michael Boley
Member Donald Clarke

1. Public Hearing -

- A. First Hearing Ordinance 2016-720 Amending Chapter 151-Legal Status of Land Development Code**
- B. First Hearing Ordinance 2016-721 Amending Chapter 152-Language and Definitions**
- C. First Hearing Ordinance 2016-722 Amending Chapter 153-Administratoin Code**
- D. First Hearing Ordinance 2016-723 Amending Chapter 154-Zoning**
- E. First Hearing Ordinance 2016-724 Amending Chapter 155-Subdivisions and Regulations**
- F. First Hearing Ordinance 2016-725 Amending Chapter 161 – Off Street parking and Loading**
- G. First Hearing Ordinance 2016-726 Amending Chapter 154-Zoning; Amending Section 154-15 Signs**
- H. First Hearing Ordinance 2016-727 Amending Chapter 152-Language and Definitions**

2. CITIZENS NOT ON AGENDA (Comments are to be limited to 3 minutes, unless a longer period of time is Permitted by the presiding officer or by a majority of the Town Council)

3. AJOURNMENT



Date: August 8, 2016
To: Lake Placid Town Council
Lake Placid Local Planning Agency
From: Central Florida Regional Planning Council
Subject: **Amendments to the Lake Placid Code of Ordinances**

Enclosed please find the Agenda Package for Ordinances 2016-720 to Ordinance 2016-725 for the Joint Local Planning Agency/Town Council Public Hearing regarding amendments to the Lake Placid Code of Ordinances. The following items are included in this package:

- Overview
- Summary of Amendments for Ordinance 2016-720
 - **Ordinance 2016-720 (Amending Chapter 151–Legal Status of Land Development Code)**
- Summary of Amendments for Ordinance 2016-721
 - **Ordinance 2016-721 (Amending Chapter 152–Language and Definitions)**
- Summary of Amendments for Ordinance 2016-722
 - **Ordinance 2016-722 (Amending Chapter 153–Administration of Code)**
- Summary of Amendments for Ordinance 2016-723
 - **Ordinance 2016-723 (Amending Chapter 154–Zoning)**
- Summary of Amendments for Ordinance 2016-724
 - **Ordinance 2016-724 (Amending Chapter 155–Subdivisions and Regulations)**
- Summary of Amendments for Ordinance 2016-725
 - **Ordinance 2016-725 (Amending Chapter 161 – Off Street Parking and Loading)**

The Joint Local Planning Agency/Town Council public hearing is scheduled for **Monday, August 15, 2016 at 5:30 pm.**

The Town Council second public hearing is scheduled for **Monday, September 12, 2016, at 5:30 pm.**

TOWN OF LAKE PLACID
AMENDMENTS TO THE LAKE PLACID CODE OF ORDINANCES

OVERVIEW

August 2016

TO: LAKE PLACID TOWN COUNCIL
LAKE PLACID LOCAL PLANNING AGENCY

FROM: CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

SUBJECT: **Amendments to the Lake Placid Code of Ordinances:**

- General Text Amendments to update regulations due to changes in Florida Statutes and to address Code inconsistencies.

- Text Amendments to implement the Lake Placid Regional Plan Overlay District.

AGENDA DATES:

August 15, 2016, 5:30 PM: Joint Local Planning Agency/Town Council Public Hearing (1st Reading)

September 12, 2016, 5:30 PM: Town Council Public Hearing (2nd Reading)

BACKGROUND

History of the Lake Placid Regional Plan

The Town of Lake Placid and the Highlands County Board of County Commissioners jointly appointed a **Growth Management Committee** to consider and recommend strategies to prepare for growth in a joint planning area in and around the Town of Lake Placid. The Town of Lake Placid adopted the Committee's recommendation in 2007.

The County also approved the Committee's report and transmitted the same as a comprehensive plan amendment in 2009. That transmittal was withdrawn so that it could be included in the County's comprehensive plan EAR amendments.

In 2011, Highlands County's 2030 Comprehensive Plan (Plan) was found "in compliance" by the State of Florida Department of Community Affairs. The Plan includes Objective 12, the Lake Placid Regional Plan (LPRP) which includes a significant part of the Joint Committee's recommendation. The LPRP applies to areas identified on Map 3 – 2030 Greater Lake Placid Planned Vision Overlay Growth Management Areas, of the Highlands County Comprehensive Plan Future Land Use Map Series.

In January 2013, the Town of Lake Placid Town Council voted to approve adoption of the Lake Placid 2030 Comprehensive Plan. As part of the adopted Future Land Use Element, the **Lake Placid Regional Plan** (Objective 6) was adopted. An outline of the Lake Placid Regional Plan is provided below.

LAKE PLACID REGIONAL PLAN (LPRP)

- **Growth Management Committee (GMC) Report** (*May 29, 2007*)
 - Adopted by Town of Lake Placid
 - Adopted by Highlands County

 - **Lake Placid Greater Regional Plan Applicability Area** (*see attached map*)

 - **Key Concepts**
 - **Vision for Lake Placid Greater Area – Principles**
 - Maintain Town’s character in greater area
 - Urbanization (3 du/ac Gross Density, 12 du/ac Net Density)
 - Town serves as focal point of area
 - US 27 Corridor – Efficiency and Access Management
 - Multi-Use Transportation Corridors
 - Mixed Uses
 - Community Centers
 - Environmental Coordination
 - Aquifer Protection
 - Lake Protection
 - Agriculture

- **Comprehensive Plan Objectives adopted consistent with GMC Report**
 - Lake Placid Future Land Use Element Objective 6 (*Adopted 2013*)
 - Highlands County Future Land Use Element Objective 12 (*Adopted 2011*)

- **Implementation = Land Development Regulations**
 - **Consistency between Town and County Regulations**
 - **Key Components** (*Many of these Key Components exist in the Town’s Land Development Code*)
 - Purpose and Applicability
 - Architectural Standards
 - Building Height
 - *Building Height Applicability Map*
 - Big Box Buildings
 - Landscaping
 - Lakeshore Parks
 - Multipurpose Trails and Paths
 - Planned Development
 - Underground Electric Utilities

Land Development Regulations Update

The Highlands County Land Development Regulations and **Lake Placid Land Development Code** are to be amended to include the remaining Committee recommendations as Town and the County's LDRs, and should be amended to implement the LPRP. The Central Florida Regional Planning Council has worked with the Town and County staff to draft amendments to the County's Land Development Regulations and the Town of Lake Placid's Land Development Code consistent with adopted Lake Placid Regional Plan adopted in both the Highlands County Comprehensive Plan and the Lake Placid Comprehensive Plan.

Workshops and Input

The attached Ordinances contain the proposed regulations. The drafts of these regulations have been developed through extensive Town and County staff review and through workshops held with the Town's LPA and Town Council. Updates have been provided to the Highlands County Planning and Zoning Commission and Board of County Commissioners.

ORDINANCE 2016-720
(Amending Chapter 151–Legal
Status of
Land Development Code)

Ordinance 2016-720**CHAPTER 151–LEGAL STATUS OF LAND DEVELOPMENT CODE*****Summary of Amendments***

<u>SECTION</u>	<u>PROPOSED CHANGE</u>
Section 151-1. – Title.	No amendments proposed. <i>(Page 2 of Ordinance 2016-720)</i>
Section 151-2. – Authority.	Updated to reflect the 2011 Florida Legislature changes to Florida’s growth management laws. The name of part II, chapter 163 of Florida Statutes was changed from “Local Government Comprehensive Planning and Land Development Regulation Act” to the “Community Planning Act”. <i>(Page 2 of Ordinance 2016-720)</i>
Section 151-3. – Purpose.	No amendments proposed. <i>(Pages 2-3 of Ordinance 2016-720)</i>
Section 151-4. – Interpretation and Intent.	No amendments proposed. <i>(Pages 3-4 of Ordinance 2016-720)</i>
Section 151-5. – Jurisdiction.	No amendments proposed. <i>(Page 4 of Ordinance 2016-720)</i>
Section 151-5.1. – Exceptions.	No amendments proposed. <i>(Pages 4-5 of Ordinance 2016-720)</i>
Section 151-6. – Compliance with Provisions Required.	No amendments proposed. <i>(Page 5 of Ordinance 2016-720)</i>
Section 151-7. – Amendments.	This section has been revised to update the reference of Florida Department of Community Affairs to Florida Department of Economic Opportunity consistent with changes in Florida Statutes effective in July 2011. <i>(Page 5 of Ordinance 2016-720)</i>
Section 151-8. – Maintenance of Copies.	No amendments proposed. <i>(Page 6 of Ordinance 2016-720)</i>
Section 151-9. – Severability.	No amendments proposed. <i>(Page 6 of Ordinance 2016-720)</i>
Section 151-10. – Effective Date.	No amendments proposed. <i>(Page 6 of Ordinance 2016-720)</i>

ORDINANCE NO. 2016 -720

AN ORDINANCE OF THE TOWN OF LAKE PLACID, FLORIDA, AMENDING THE TOWN'S LAND DEVELOPMENT CODE TO IMPLEMENT THE LAKE PLACID REGIONAL PLAN; AMENDING CHAPTER 151-LEGAL STATUS OF LAND DEVELOPMENT CODE; AMENDING SECTION 151-1.-TITLE; AMENDING SECTION 151-2.-AUTHORITY; AMENDING SECTION 151-3.-PURPOSE; AMENDING SECTION 151-4.-INTERPRETATION AND INTENT; AMENDING SECTION 151-5.-JURISDICTION; AMENDING SECTION 151.5.1.-EXCEPTIONS; AMENDING SECTION 151-6.-COMPLIANCE WITH PROVISIONS REQUIRED; AMENDING SECTION 151-7.-AMENDMENTS; AMENDING SECTION 151-8.-MAINTENANCE OF COPIES; AMENDING SECTION 151-9.-SEVERABILITY; AMENDING SECTION 151-10.-EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Lake Placid, Florida desires to amend the Town Code; and

WHEREAS, the Town Council, Local Planning Agency and Growth Management Committee approved the Report of the Lake Placid Area Growth Management Committee on May 29, 2007; and

WHEREAS, the Town Council adopted the "Town of Lake Placid 2030 Comprehensive Plan" on January 14, 2013, of which Objective 6 was added to the Future Land Use Element which includes policies specific to the Lake Placid Regional Plan; and

WHEREAS, amendments to the Town's Code are required to implement recommendations from the Growth Management Committee and the policies adopted in the Future Land Use Element of the "Town of Lake Placid 2030 Comprehensive Plan"; and

WHEREAS, amendments to the Town's Code are provided which remove inconsistencies and update references to Florida Statutes; and

WHEREAS, notice of this proposed Ordinance was published at least thirty (30) days prior to adoption in a newspaper of general circulation in the Town of Lake Placid; and

WHEREAS, the Lake Placid Local Planning Agency held a public hearing on said amendments on:

The ____ day of _____, 2016; and

WHEREAS, two public hearings were held by the Town Council on said Ordinance on:

The ____ day of _____, 2016; and

The ____ day of _____, 2016; and

WHEREAS, it appears in the best interest of the Town of Lake Placid that the Ordinance be adopted; and

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LAKE PLACID, FLORIDA:

SECTION 1. § 151-1. - TITLE.

This code shall be known and may be cited as the "Town of Lake Placid Land Development Code." Except where otherwise indicated, references herein to "the code" or "this code" shall be taken as references to the entire Town of Lake Placid Land Development Code or to the specific provision which applies to the situation in question. The Land Development Code is being renumbered from chapters 1 through 8 of appendix A of the Code of the Town of Lake Placid, to chapters 150 through 169 of the Code of the Town of Lake Placid.

(Ord. No. 05-465, § 1, 7-11-05)

SECTION 2. § 151-2. - AUTHORITY. OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

This code, together with all future amendments, is adopted pursuant to the requirements and authority of F.S. §163.3161 (the Community Planning Act), F.S. § 163.3202, (~~the Local Government Comprehensive Planning and Land Development Regulation Act~~), and under authority granted by F.S. chs. 166, 163 and 177. The Town Council of the Town of Lake Placid hereby exercises the power to classify land within the jurisdiction of the Town of Lake Placid into zoning districts; to review and approve or disapprove plats and plans for the subdivision and development of land.

(Ord. No. 05-465, § 1, 7-11-05)

SECTION 3. § 151-3. - PURPOSE.

The purpose of this code and the districts and regulations set forth in the code is to provide for orderly growth; to encourage the most appropriate use of land; to discourage

incompatible uses of adjacent properties; to preserve and protect the environment and natural resources and beauty of the Town of Lake Placid; to protect and conserve the value of property; to prevent the overcrowding of land; to promote, protect and improve the health, safety, comfort, good order, appearance, convenience, morals and general welfare of the public; and to help accomplish the goals and objectives of the Town of Lake Placid Comprehensive Plan.

(Ord. No. 05-465, § 1, 7-11-05)

SECTION 4. § 151-4. - INTERPRETATION AND INTENT.

(a) *Generally.*

(1) In the interpretation of these regulations, the following rules shall be observed unless such construction would be inconsistent with the comprehensive plan or with the manifest intent of the town council, or where the language of such section contains any express provisions excluding such construction, or where the subject matter or context of such section is repugnant thereto.

(2) All provisions, terms, phrases and expressions contained in these regulations shall be liberally construed to follow the goals, objectives, and policies of the comprehensive plan and in order that the true intent and meaning of the town council may be fully carried out. No provision shall be interpreted so as to limit or repeal any other powers granted to the town under state statutes.

(3) In the interpretation and application of these regulations, it shall be held to be the minimum requirement adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. Where any provision of these regulations imposes a greater restriction upon the subject matter than a general provision imposed by another provision of these regulations, the provision imposing the greater restriction of regulation shall be deemed to be controlling.

(b) *Minimum requirements.* In interpreting and applying the provisions of this code, the provisions in this code shall be held to be the minimum requirements necessary for the promotion of the health, safety, morals and general welfare of the community.

(c) *Effect of private agreements and other regulations.* It is not intended by this code to interfere with, annul or abrogate any easements, covenants or other agreements between parties which are not inconsistent with this code. Where any provision of the code imposes restrictions different from those imposed by any other statute, ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes a higher standard shall control.

(d) *Computation of time.* The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday recognized officially by the Town of Lake Placid, that day shall be excluded.

- (e) *Delegation of authority.* Whenever a provision appears requiring the head of a department or some other town officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to qualified subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.
- (f) *Gender, number and tense.* Words importing the masculine gender shall be construed to include the feminine and neuter. A word importing the singular number may extend and be applied to several persons and things as well as to one (1) person and thing. The use of the plural number shall be deemed to include any single person or thing. Words used in the past or present tense include the future as well as the past or present.
- (g) *Nontechnical and technical words.* Words or phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
(Ord. No. 05-465, § 1, 7-11-05)

SECTION 5. § 151-5. - JURISDICTION.

The provisions of this code shall apply to any and all land, buildings, structures and uses in the incorporated areas of the Town of Lake Placid and to any other area provided by law and interlocal agreement.

Except as specifically provided below, the provisions of this code shall apply to all development in the Town of Lake Placid, and no development shall be undertaken without prior authorization pursuant to this code.

§ 151-5.1 - Exceptions.

(a) *Previously issued development permits:* The provisions of this code and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit if:

- (1) The development activity authorized by the permit has been commenced prior to the effective date of this code or any amendment thereto, or will be commenced after the effective date of this code but within six (6) months of issuance of the building permit; and
- (2) The development activity continues without interruption (except because of war or natural disaster) until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this code or amendment thereto.

(b) *Previously approved development orders:* Projects with development orders that have not expired at the time this code or an amendment thereto is adopted, and on which development

activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of the regulations in effect when the development plan was approved. If the development plan expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this code or amendment thereto.

(c) *Consistency with plan:* Nothing in this section shall be construed to authorize development that is inconsistent with the Town of Lake Placid Comprehensive Plan.

(Ord. No. 05-465, § 1, 7-11-05)

SECTION 6. § 151-6. - COMPLIANCE WITH PROVISIONS REQUIRED.

(a) *Development activity.* No land, building or structure shall be erected, moved, added to, enlarged, altered or maintained after the effective date of this code except in conformity and compliance with the provisions of this code.

(b) *Development and building permits.* No development order or building permit shall be issued, and no site plan or subdivision plan or preliminary or final plat shall be approved, recorded or used to convey property after the effective date of this code except in conformity and compliance with the procedural and substantive provisions of this code.

(Ord. No. 05-465, § 1, 7-11-05)

SECTION 7. § 151-7. – AMENDMENTS OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

(a) *In general.* For the purpose of providing for the public health, safety and general welfare, and to carry out the intent of this code and the comprehensive plan, the Town Council of the Town of Lake Placid may, from time to time, amend the provisions of this code in the manner prescribed by law.

(b) *Procedure for amendment.* Amendments to this code may be enacted by the Lake Placid Town Council, according to law. Changes in this code may be suggested by the town council or the ~~planning and zoning commission~~/Local Planning Agency or by petition of citizens to the town council.

(c) *Distribution of copies.* Copies of all amendments to this code, and all ordinances rezoning land within the town, enacted after October 1, 1985, shall be sent to the ~~Florida Department of Community Affairs~~ Florida Department of Economic Opportunity, as provided by law.

(d) *Rezoning of land.* The procedures for the rezoning of private land pursuant to this code are found in section 153-20. Rezoning to the PD District are required when there is a land use change, plat, rezoning or subdivision. See Section 154-8. for exemptions.

(Ord. No. 05-465, § 1, 7-11-05)

SECTION 8. § 151-8. - MAINTENANCE OF COPIES.

The original of this code shall be maintained in the office of the town clerk. Copies of the code, including all current amendments, shall be maintained at the town clerk's office and at the Town of Lake Placid Building and Zoning Department where they shall remain available for public inspection.

(Ord. No. 05-465, § 1, 7-11-05)

SECTION 9. § 151-9. - SEVERABILITY.

If any provision of this code is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this code or of the code as a whole, other than the part declared to be invalid or unconstitutional, and the remainder of this code is intended to and shall remain in full force and effect despite the determined invalidity of any particular provision.

(Ord. No. 05-465, § 1, 7-11-05)

SECTION 10. § 151-10. – EFFECTIVE DATE.

If any provision of this code is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this code or of the code as a whole, other than the part declared to be invalid or unconstitutional, and the remainder of this code is intended to and shall remain in full force and effect despite the determined invalidity of any particular provision.

(Ord. No. 05-465, § 1, 7-11-05)

SECTION 11. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or divisions of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance.

SECTION 12. INCLUSION IN THE CODE. When the text of this Ordinance is published for inclusion in the Lake Placid, Florida Code of Ordinances, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined, double underlined, or highlighted shall be amended so that the text of the Code shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made.

SECTION 13. CODE REVISIONS. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town; and that sections of this Ordinance may be renumbered or relettered and the word

"ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Administrator or his or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

SECTION 14. CONFLICT. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 15. EFFECTIVE DATE. This Ordinance shall become effective on January 1, 2017.

ADOPTED AND ORDAINED during a regular meeting of the Lake Placid Town Council held this ____ day of _____, 2016.

TOWN OF LAKE PLACID,
a Florida municipal corporation

By: _____
John M. Holbrook, Mayor

Attest: _____
Eva Cooper Hapeman, Town Clerk

THIS ORDINANCE WAS READ in full or by title on at least two (2) separate days in two (2) Town Council meetings (on the ____ day of August, 2016 and on the ____ day of September, 2016). Notice of the proposed enactment containing the Ordinance title, stating that a copy may be obtained at Town Hall, and stating that adoption and advising that interested parties may appear at the meeting and be heard with respect to the proposed ordinance was published in Highlands Today on the 10th of July, 2016 and the ____ day of August, 2016 being at least thirty (30) days prior to adoption.

Eva Cooper Hapeman, Town Clerk

ORDINANCE 2016-721
(Amending Chapter 152–
Language and Definitions)

Ordinance 2016-721

CHAPTER 152–LANGUAGE AND DEFINITIONS

Summary of Amendments

SECTION

PROPOSED CHANGE

**Section 152-1. –
Construction of language.**

No amendments proposed. *(Page 2 of Ordinance 2016-721)*

**Section 152-2. –
References to other legislation.**

No amendments proposed. *(Pages 2-3 of Ordinance 2016-721)*

**Section 152-3. –
Variations in district symbols or names.**

No amendments proposed. *(Pages 2-3 of Ordinance 2016-721)*

Section 152-4. – Definitions of terms.

There are two (2) different sections of definitions contained within the Town’s Land Development Code which are housed in Chapter 150 to Chapter 169 that can be combined. They include the following sections.

- Section 154-5. - Definitions and word usage.
- Section 155.13. - Adoption of **Highlands County** Code of Ordinances, Land Development Regulations. (Highlands County)
 - (1) **Definitions and abbreviations.** Highlands County Code, article 2, chapter 12 entitled "Definitions and Abbreviations".

These two (2) sections have been brought forward into Section 152-4.

In addition, definitions specific to the Lake Placid Regional Plan under “L” have been added.

Definitions **added** to Section 152-4.from Highlands County per Section 155.13 and include the following. In the ordinance, **Highlands County** (for informational purposes only) is highlighted to indicate the source.

- Abandoned
- Accessory structure
- Accessory use
- Actual crossing operation

- Addition (to an existing building)
- Adequate
- Adjacent
- Agriculture
- Agriculture Easement
- Alteration, altered or repaired
- Alternative tower structure
- Antenna
- Apartment hotel
- Archaeological confinement zone
- Archaeological reconnaissance report
- Archaeological reconnaissance survey (ARS)
- Archaeological resource
- Arterial road
- As built
- Assisted living facility
- Attic
- Auxiliary lane
- Basement
- Cabana room
- Camper
- Campground
- Campsite
- Canal
- Capital Improvement
- Certificate of appropriateness
- Certificate of archaeological appropriateness
- Certificate of historical appropriateness
- Certificate to proceed
- Certified welder
- Change of occupancy
- Club, night
- Club, private
- Co-location
- Collector road
- Commercial uses
- Commercial vehicle
- Competent
- Comprehensive plan (from Section 155313(1))
- Concurrency
- Concurrency management system
- Concurrency service area
- Conduit
- Cone of influence
- Confining layer
- Conservation easement
- Conservation overlay map
- Conservation uses

- Consistency rezone
- Continuing care retirement community
- Contract for sale and purchase of development rights
- Contractor
- County
- County administrator
- County engineer
- Cultural Site
- Cutthroatgrass seep
- Deed of transfer of development rights
- Deferral
- Demolition
- Demolition by neglect
- Density bonus
- Developer
- Development order/permit
- Development right
- Disturb
- Disturbed lands
- Ditch
- Drainage basin
- Drainage facilities
- Drip line
- Drug store
- Emergency
- Emergency services
- Environmental clearance
- Environmental clearance report
- Erected
- Erosion control
- Essential services
- Extended care facility
- Exterior architectural features
- Fall zone
- Floor area ratio
- Firewise Landscaping
- Floor
- Floor area
- Florida Master Site File
- Florida-friendly Landscaping
- Frontage of a building
- Frontage of a property
- Functionally dependent facility
- Garage, community
- Government Agency
- Ground-mounted tower
- Group housing
- Guyed tower

- Haul route
- Hazardous waste
- Health services
- Height of buildings
- Historic designation
- Historic district
- Historic preservation commission
- Historic preservation design guidelines
- Historic property
- Historic resources
- Industrial uses
- Infill
- Infrastructure
- Intermediate care facility
- Inter-modulation interference
- Interference of traffic
- Institutional use
- Kennel
- Land
- Land, clearing
- Lattice tower
- Level of service
- Littoral zone
- Livestock
- Local development order
- Local road
- Long-term care facility
- Lot
- Lot frontage
- Lot measurements
- Lot of record
- Low income families
- Major crossing
- Manhole
- Manufactured building
- Manufactured home
- Material change in appearance
- May
- Mean sea level
- Median
- Mobile home
- Mobile home park
- Mobile home subdivision
- Modular home
- Monopole tower
- Motel
- National Geodetic Vertical Datum
- Natural drainage features

- New construction
- North American Industry classification System
- Office
- On-site
- Open spaces
- Open space easement
- Ordinary high water line
- Park model
- Parking
- Pavement
- Permittee
- Personal services
- Pharmacy
- Planting
- Pole-attached antenna
- Pollution Porch
- Potable water facilities
- Professional engineer
- Public potable water well
- Public recreation sites
- Public services
- Qualified
- Qualified archaeological agent
- Quasi-public use
- Receiving area
- Relocation
- Relocation housing
- Residential uses
- Restoration (historic structures)
- Restoration (land)
- Right-of-way
- Roadway functional classification
- Roof Routine maintenance
- Salvage yard
- Sanitary wastewater facilities
- School
- School capacity
- School concurrency
- School district
- School facilities
- School, parochial
- School, private
- School, public
- School, vocational
- Screen room
- Sending
- Services
- Shall

- Shoreline or shore
- Should
- Single-family or one-family
- Solid waste
- Special exception
- Spoil
- Start of construction
- Storage, outdoor or outdoor storage
- Stormwater
- Story, half
- Structure
- Structure, enclosed or enclosed structure
- Structure-mounted facility
- Support facilities
- Tourist home
- Towers
- Transfer of development rights easement
- Transmission tower or tower
- Transportation disadvantaged
- Travel way
- Turf areas
- Undue economic hardship
- Utility
- Utility facilities
- Utility or storage building
- Utility trailer
- Variance, Building Code
- Vegetative communities
- Vehicular Surface Area
- Vesting
- Vinyl room
- Water-dependent uses
- Watering station
- Whip antenna
- Wildland Urban Interface
- Wireless communication services
- Wireless communications facility
- Xeric uplands

ORDINANCE NO. 2016-721

AN ORDINANCE OF THE TOWN OF LAKE PLACID, FLORIDA, AMENDING THE TOWN'S LAND DEVELOPMENT CODE TO IMPLEMENT THE LAKE PLACID REGIONAL PLAN; AMENDING CHAPTER 152-LANGUAGE AND DEFINITIONS; AMENDING SECTION 152-1.-CONSTRUCTION OF LANGUAGE; AMENDING SECTION 152-2.-REFERENCES TO OTHER LEGISLATION; AMENDING SECTION 152-3.-VARIATIONS OF DISTRICT REGULATIONS AND SYMBOLS OR NAMES; AMENDING SECTION 152-4.-DEFINITIONS OF TERMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Lake Placid, Florida desires to amend the Town Code; and

WHEREAS, the Town Council, Local Planning Agency and Growth Management Committee approved the Report of the Lake Placid Area Growth Management Committee on May 29, 2007; and

WHEREAS, the Town Council adopted the "Town of Lake Placid 2030 Comprehensive Plan" on January 14, 2013, of which Objective 6 was added to the Future Land Use Element which includes policies specific to the Lake Placid Regional Plan; and

WHEREAS, amendments to the Town's Code are required to implement recommendations from the Growth Management Committee and the policies adopted in the Future Land Use Element of the "Town of Lake Placid 2030 Comprehensive Plan"; and

WHEREAS, amendments to the Town's Code are provided which remove inconsistencies and update references to Florida Statutes; and

WHEREAS, notice of this proposed Ordinance was published at least thirty (30) days prior to adoption in a newspaper of general circulation in the Town of Lake Placid; and

WHEREAS, the Lake Placid Local Planning Agency held a public hearing on said amendments on:

The ____ day of _____, 2016; and

WHEREAS, two public hearings were held by the Town Council on said Ordinance on:

The ____ day of _____, 2016; and

The ____ day of _____, 2016; and

WHEREAS, it appears in the best interest of the Town of Lake Placid that the Ordinance be adopted; and

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LAKE PLACID, FLORIDA:

SECTION 1. § 152-1. - CONSTRUCTION OF LANGUAGE.

The following rules of construction apply to the text of this code:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this code and any caption or illustrative table, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "maintained for" or "occupied for."
- (7) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (8) Unless the context clearly indicates a contrary meaning, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either ... or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either ... or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (9) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(Ord. No. 05-466, § 1, 7-11-05)

SECTION 2. § 152-2. - REFERENCES TO OTHER LEGISLATION.

Any reference made in this code to any other local, state or federal legislation, rule or regulation, including all state statutes and local building and technical codes, shall be interpreted to mean the most recent version of said legislation, rule or regulation which is in effect at the time in question, including all amendments thereto.

(Ord. No. 05-466, § 1, 7-11-05)

SECTION 3. § 152-3. - VARIATIONS IN DISTRICT SYMBOLS OR NAMES.

Minor typographical variations in the symbols or names describing the zoning districts established in this code and designated on the official zoning atlas may be corrected by resolution of the town council and shall not be deemed to affect the validity of the regulations applicable to said districts so long as the purpose and intent of said designations is clear.

(Ord. No. 05-466, § 1, 7-11-05)

SECTION 4. § 152-4. - DEFINITION OF TERMS OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS SHOWN BELOW. TEXT THAT IS UNDERLINED IS TO BE ADDED. TEXT THAT IS SHOWN IN STRIKEOUT IS TO BE REMOVED. TEXT WITH NO UNDERLINING OR STRIKEOUT IS TRANSFERRING FROM THE SECTION 154-15.-SIGNS. HIGHLIGHTED COMMENTS ARE INCLUDED FOR INFORMATIONAL PURPOSES ONLY.

- (a) Words used in this code shall have their ordinary dictionary meaning unless otherwise defined in the code.
- (b) Certain words and terms are specifically defined within the various chapters of this code. Such definitions shall supersede the general definition or use of the word or term in this section and any other section where the subject is clearly related. Otherwise, generally accepted definitions or definitions herein shall prevail.
- (c) For the purposes of this code, the following terms shall have the meanings set forth in this section unless otherwise indicated by the context:

Abandoned: To give up by leaving or ceasing to operate. (Highlands County)

Abut: To physically touch or border upon, or to share a common property line. *Abutting property*: Any property that is immediately adjacent to or contiguous to property that may be subject to any regulation under this code or any hearing required to be held under the code, or that is located immediately across any road or public right-of-way from property that may be subject to any regulation or hearing under this code.

~~*Accessory buildings and uses*: A subordinate building or portion of a main building, the use of which is incidental to that of the dominant use of the main building or land, including~~

~~accessory signs, bona fide servants' quarters and greenhouses operated on a nonprofit basis. An accessory use is one that is incidental to the main use of the premises.~~

Accessory structure: A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. (Highlands County)

Accessory use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. (Highlands County)

Actual crossing operation: That phase of the work authorized by the utility permit, when the casing or incased carrier pipe is being placed within the physical limits prescribed to determine the required casing length; this will not include preliminary work, such as jacking pit construction, equipment set-up, etc. (Highlands County)

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load bearing walls is new construction. (Highlands County)

Adequate: The minimum ability necessary to satisfy a requirement of Highlands County. (Highlands County)

Adjacent: Immediately adjoining and sharing a common property line or boundary. (Highlands County)

Administrator: See: Development administrator.

Aggrieved or adversely affected person: Any person or local government which will suffer an adverse effect to an interest protected or furthered by the comprehensive plan, including interests related to health and safety; police and fire protection service systems; densities or intensities of development; transportation facilities; health care facilities, equipment or services; or environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large, but shall exceed in degree the general interest in community good shared by all persons.

Agriculture: The science and art of producing plants and animals for use by mankind, including the preparation of land resource to accommodate such practices and, to a variable extent, the preparation and harvesting of such products. The term "agriculture" encompasses activities that are customarily associated with aquaculture and fisheries, horticulture, viticulture, siviculture, and aeviaculture, livestock and poultry operations, bee keeping, stable and kennel operations, animal husbandry, ranching, dairy operations, forestry, or any other practice that is typical of, and necessary to, or in keeping with these activities. (Highlands County)

Agriculture easement: A right to or interest in the use of real property for agricultural uses but not including the right to develop the property. (Highlands County)

Agricultural labor facilities: Two (2) or more dwelling units located on the property of one (1) person and housing five (5) or more seasonal or permanent agricultural workers per dwelling unit.

Agricultural labor housing: One (1) or more buildings or structures, apartments, mobile homes, trailers, or manufactured housing, or any portion thereof, together with the land appertaining thereto, established, operated, furnished as an incident of employment or whether or not rent is paid or reserved in connection with the use of occupancy of such premises. The definition also includes two (2) or more labor dwelling units located on the property of one (1) person. This term shall have the same meaning as "Agricultural labor camp."

Airport or airstrip: Any runway, landing area or other facility designed and used, either publicly or privately, by any person, for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tiedown areas, hangars and other necessary buildings and open spaces.

Alcoholic beverage establishment: Any establishment devoted primarily to the retail sale of alcoholic beverages for consumption on and/or off the premises.

~~*Alley:* A public or private way which affords only a secondary means of access to property abutting thereon and which is not otherwise designated for general traffic or as a thoroughfare or street.~~

Alley: Any public or private right-of-way less than sixteen (16) feet in width which affords secondary access to property and is not intended for general traffic circulation.

~~*Alteration:* Any change in the arrangement of a building; any work affecting the structural parts of a building; or any change in the wiring, plumbing, or heating or air conditioning systems of a building.~~

Alteration, altered or repaired: Any changes in structural parts, stairways, type of construction, kind or class of occupancy, light or ventilation, means of ingress and egress or other changes affected or regulated by the building code or this Code except for minor changes or repairs not involving the aforesaid features. (Highlands County)

Alternative tower structure: A manmade structure that supports one or more antenna, and that either conceals or camouflages the presence of transmission towers from public view by unobtrusively blending in aesthetically with the surrounding environment. Alternative tower structures include, but are not limited to, simulated trees, clock towers, bell steeples, light and utility pole replacements which match the appearance of the existing or adjacent light and utility poles, and similar structures. (Highlands County)

Animal hospital: See: Veterinary clinic or hospital.

Antenna: Any apparatus designed for the sending and/or receiving of electromagnetic waves. These include, but are not limited to telephone, radio, television, and satellite or wireless personal communications. Types of antennas, include but are not limited to whip antennas, panel antennas, and dish antennas. As used in this chapter, the term antenna includes all antennas integrated and used as a single unit, such as an antenna array. (Highlands County)

Apartment hotel: A multiple-family dwelling having resident supervision which maintains an inter-lobby through which all tenants must pass to gain access to the apartments. (Highlands County)

Applicant: The record owner of land which is the subject of a request for a change in zoning, a conditional use, a variance, a home occupation permit or an appeal, or for approval of a subdivision plat or other land development approval, or the authorized agent of such owner.

Archaeological confinement zone: Those areas within 300 feet radius of a discovered archaeological resource, that is, either shown on the adopted archaeologically sensitive areas map or not shown, but known to exist. The confinement zone exists until the perimeter of the site is defined, archaeological clearance is obtained, or the FMSF has designated the site as not archaeologically significant or as significant but requiring no further investigation. (Highlands County)

Archaeological reconnaissance report: A report submitted by the archaeologist (as referenced in definition # 242 "qualified archaeological agent") conducting the reconnaissance survey which documents the findings of the survey and incorporated recommendations pertaining to the disposition of the findings. (HC)

Archaeological reconnaissance survey (ARS): A cursory archaeological survey usually conducted to identify and map sites and to obtain data on site types and distribution. Field methodology in this type of survey involves minimal sub-surface testing. This survey is conducted by a qualified archaeological agent for the purpose of determining whether an archaeological resource is significant, requiring a more in-depth archaeological investigation. (Highlands County)

Archaeological resource: All artifacts evidencing human occupation, habitation, or activity or a site which contains artifacts from an historic or prehistoric period. This evidence shall include cultural sites, structures, mounds and middens, artifacts, and physical remains. To be significant, an archaeological resource must contain artifacts which can be used to reconstruct or convey important aspects of the prehistory, history, or culture of the Central Florida region. The definition of archaeological resource includes, but is not limited to, those sites listed by the National Advisory Council on Historic Preservation on the Florida National Register of Historic Places and those sites listed by the Florida Division of Historic Resources in their Florida Master Site File. A "known" archaeological resource is one that exists and is filed in the Florida Master Site File (FMSF). (Highlands County)

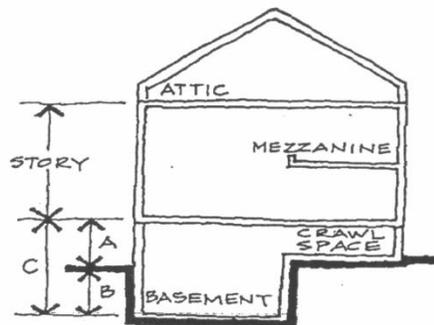
Arterial road: A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every federal

highway and every FDOT designated Florida Intrastate Highway System route is an arterial road. (Highlands County)

As built: Plans that show horizontal locations and vertical elevations tied to known reference point (e.g., state plane coordinates) of all deviations from county approved plans. (Highlands County)

Assisted living facility: Residences that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation. See "residential health care facility; retirement community." (Highlands County)

Attic: That part of a building that is immediately below and wholly or partly within the roof framing. See story, half. See diagram for Attic. (Highlands County)



When A is less than B--C is a cellar
Diagram for Definition: Attic

Automobile service station: Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuel, oils or accessories, and in connection with which is performed general automotive servicing, as distinguished from automotive repairs.

Automotive repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles, and wherein an automobile service station may also operate.

Automotive wrecking or salvage yards: The dismantling or wrecking of used motor vehicles, mobile homes or other vehicles, or the storage, sale or dumping of such wrecked or dismantled vehicles or parts.

Auxiliary lane: The portion of the roadway adjoining the traveled way for parking, access ramps, speed changes, turning, storage for turning, weaving, truck climbing or other purposes supplementary to through traffic movement. (Highlands County)

Basement: That portion of a building having its floor sub-grade (below ground level) on all sides. (Highlands County)

Boatyard: A commercial or nonprofit boat basin with facilities for the sale, construction, repair, launching, storing, berthing, securing, fueling or general servicing of marine craft of all types.

Bond: Any form of security, including cash deposit, instrument of credit, collateral bond, surety or property, in an amount and form satisfactory to and approved by the town council, used for the following:

- a. *Maintenance bond:* Upon issuance of a certificate of completion or when required improvements are installed prior to recording a plat, surety must be posted in the amount of twenty-five (25) percent of the professional engineer's estimate of the cost of improvements. The condition of this obligation is that the local government will be protected against any defect caused by faulty materials or workmanship in these improvements for a period of two (2) years.
- b. *Performance bond:* When required improvements are installed after recording a plat, surety must be posted in the amount of one hundred twenty-five (125) percent of the engineer's or building and zoning official's estimate of completion costs, including landfill, to ensure completion.

Borrow pit: An excavation from which natural materials are removed for use elsewhere, leaving a hole (pit).

Boundaries: Where a map is incorporated into this code and used in connection with its administration, boundaries on such map which are shown as following or approximately following a street, utility line, railroad, river or stream, or other similar linear feature shall be construed as following the centerline of that feature. Boundaries which are shown as following or approximately following any platted lot line or other property line, or a section line, half-section line, or quarter-section line shall be construed as following such line.

Buffering: See: Screening.

~~*Building:* Any structure designed or built for support, enclosure, shelter or protection of persons, animals, chattels or property of any kind. "Building" shall include "structure." Any structure constructed or used for a residence, business, industry or other private or public purposes, including structures that are accessory to such uses, provided such structures are in compliance with the Town of Lake Placid Building Code.~~

Building: Any structure constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, including mobile homes, campers, tents, billboards, signs, fences and similar structures, whether stationary or movable.

Building and zoning official: The Town of Lake Placid Building and Zoning Official or his designated agent or employee. (See: Zoning official.)

Building coverage: See: Lot coverage.

~~*Building height:* The vertical distance from the average finished grade of all exterior corners of finished floors to the highest point of the building, less those structures permitted to extend beyond the height of the building. (See: Supplemental regulation.)~~

Building inspector: The principal officer responsible for enforcing the zoning ordinance, as designated by the town council to serve this function.

Building line: See: Yard.

Building permit: A permit authorizing the actual erection of a building or structure or component thereof pursuant to chapter 155. A building permit is a "development permit" as defined below.

Building, principal: A building in which is conducted the main or principal use of the lot or parcel on which said building is situated.

Building setback line: The minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building. When two (2) or more lots under one (1) ownership are used, the exterior property lines so grouped shall be used in determining building setback when the interior common lot line is straddled by the principal structure.

Cabana room: A structure consisting of a rigid frame made of wood, aluminum, steel, block, brick or other support material, a roof, exterior walls which have open areas covered by windows or panels made of or covered by glass or vinyl material and interior walls which are finished with wood, paneling, drywall or other material. (Highlands County)

Camouflaged tower: A communications tower designed to unobtrusively blend into the existing surroundings and be disguised so as not to have the appearance of a communications tower. Camouflaged communications towers on buildings, not including accompanying antenna mounts, must be disguised to appear as an accessory structure that is normally associated with the principal use occupying the property. Other camouflaged communications towers must be disguised to blend in with other facilities on the property or existing vegetation. Examples of camouflaged communication towers would be a communications tower constructed in the form and shape of a tree to be part of a forested area, or a tower constructed to appear to be a component of a bell or clock tower on sites with compatible buildings or a component of a church steeple on sites with churches. Surface finish, paint/or markings alone are insufficient to qualify for a determination as a camouflaged communications tower. Camouflaged towers shall not be lit.

Camper: Any individual who occupies a campsite or otherwise assumes charge of, or is placed in charge of, a campsite. (Highlands County)

Campground: A place where sites for recreational vehicles or tents or buildings are rented for use as temporary living quarters for recreational purposes. A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.(Highlands

County)

Campsite: A parcel of land in a campground for the placement of tents or one trailer or recreational vehicle (other than a mobile home) and for the exclusive use of the occupants. Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper. (Highlands County)

Canal: Any manmade waterway used for the purpose of drainage, irrigation, or transportation which collects and then diverts or directs the flow of surface water or groundwater. A ditch is not a canal. (Highlands County)

Capital improvement: Physical assets constructed or purchased to provide, improve, or replace a public facility and which are large scale and high in cost. (Highlands County)

Car wash: An area or land or a structure with machine- or hand-operated facilities, used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery: Land used or intended to be used for the burial of the animal dead or human dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery. (See: Supplemental regulations.)

Centerline, street: A line running parallel with the right-of-way of a highway, which is half the distance between the extreme edges of the official right-of-way width.

Certificate of appropriateness (C.A.): A document issued by the historic preservation commission, or its staff under certain circumstances, approving a proposal to make specified alterations to or to demolish a designated historic property or a building, structure or monument located within a designated historic district or to construct a building or structure on property located within a designated historic district, which must be obtained before such alteration, demolition or construction may be begun. (Highlands County)

Certificate of archaeological appropriateness (C.A.A.): A document issued by the historic preservation commission, or its staff, which gives its approval for work to be done on a designated archaeological site and which allows the applicant to apply for development orders. The CAA may contain conditions relating to the proposed work regarding measures to either, preserve, protect, or mitigate impact to the affected resource. (Highlands County)

Certificate of completion: The certificate issued by the building and zoning official subsequent to final inspection indicating that all improvements have been completed in conformity with the requirements of all building codes, this code or the subdivision regulations and the approved constructions plans and specifications.

Certificate of historical appropriateness (C.H.A.): A document issued by the historic preservation commission, or its staff under certain circumstances, approving a proposal to make specified alterations to or to demolish a designated historic property or a building,

structure or monument located within a designated historic district or to construct a building or structure on property located within a designated historic district, which must be obtained before such alteration, demolition or construction may begin. (Highlands County)

Certificate of ownership: An opinion of title issued by a title company or licensed attorney based upon an examination of an abstract of title of official town records, stating and certifying to the town council that the applicant is the owner in fee simple of the subject tract. The certificate shall also state the names and nature of all mortgages, liens or encumbrances against the title to said tract, if any.

Certificate to proceed (C.P.): The document used by the HPC to reaffirm the initial development order, subsequent to securing an archaeological clearance, to proceed towards implementation. (Highlands County)

Certified welder: A person who has been trained and meets all applicable requirements for the particular type of welding being performed under a permit. (Highlands County)

Certified survey: A survey, sketch, plan, map or other exhibit containing a sworn, written statement regarding its accuracy or conformity to specified standards certified and signed by the registered surveyor under whose supervision said survey was prepared.

Change of occupancy: Discontinuance of an existing use and the substitution of a different kind or class of use.

Change of occupancy: A discontinuance of an existing use and the substitution therefore of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors, unless accompanied by a change in the type of use. (Highlands County)

Channel: A natural or artificial watercourse of perceptible extent with bed and banks to confine and to conduct continuously or periodically flowing water.

Chief of police means the town police chief or the chief's designee.

Child care center: Any establishment which provides care for more than five (5) children unrelated to the operator for a payment, fee or grant for any of the children receiving care, wherever operated and whether or not operated for profit, including day nurseries, day care services and agencies, but not community-based residential facilities or social services.

Church: A building used for nonprofit purposes by a recognized or established religion as its place of worship, including a residential area for the pastor or minister of a sect. (See: Supplemental regulations)

Clerk: The Town Clerk of the Town of Lake Placid.

Clinic: See: Outpatient care facilities.

Club, night: A restaurant, dining room, bar or other similar establishment providing food or refreshments wherein floor shows or other forms of entertainment are provided. (Highlands County)

Club, private: Those associations and organizations of a fraternal or social character, not operated or maintained for profit. The term "private club" shall not include casinos, nightclubs or other institutions operated as a not for profit business. (Highlands County)

Code enforcement clerk means the town clerk, or the town clerk's designee who is authorized to collect fines and costs, schedule hearings, receive and maintain records of code enforcement proceedings, and perform other administrative duties related to enforcement of Town Code.

Code enforcement officer means any designated employee or agent of the town whose duty it is to enforce the Town Code.

Code enforcement official means the employees of the town who are responsible for the enforcement of the Town Code.

Code enforcement special magistrate means the code enforcement special magistrate, and any alternate special magistrate, appointed by the town council.

Co-location: When more than one wireless communication service provider uses a single monopole, lattice or guyed tower, or similar structure to attach antenna(s) for the purpose of providing wireless communications services. (Highlands County)

Collector road: A roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed, designed and intended to collect and distribute traffic between local roads or arterial roads. (Highlands County)

Commercial uses. Activities which are predominantly connected with the sale, rental, and distribution of products or the performance of services. (Highlands County)

Commercial vehicle. Any vehicle designed, intended or used for transportation of people, goods or things, other than private passenger vehicles and trailers. (Highlands County)

Communication antennas: An antenna designated to transmit and/or receive communications as authorized by the Federal Communication Commission.

Communication towers: Any structure intended exclusively to support communication antennas, excluding antenna mounts. Design examples of communication towers are described as follows:

- a. Self-supporting lattice;
- b. Guyed;
- c. Monopole; and

d. Any other tower type structure as determined by the building official, or designee of the town council.

Community-based residential facilities: Shall be consistent with the term defined in F.S. ch. 419, provided that such facilities are not located within a radius of one thousand (1,000) feet of another existing community-based residential home with six (6) or fewer residents and include the following uses:

a. *Emergency shelter:* Any residence, dwelling, building, or other place providing room and board and protection, counseling or preplacement screening for three (3) or more abused adults, children or similar persons not related to the owner by law, blood, marriage or adoption, with the average stay per person less than thirty (30) days and provided that such services shall not include intensive treatment or therapy.

For the purposes of this code, the term "emergency shelter" shall not be deemed to include group care homes, family care homes, residential treatment facilities, or recovery homes. (See: Supplemental regulations.)

b. *Emergency home shelter:* Any dwelling providing room and board and protection, preplacement screening or counseling for one (1) or two (2) abused children, abused adults or similar persons not related to the owner of the premises by law, blood, marriage or adoption, for a period not to exceed an average stay of thirty (30) days per person, but such services shall not include either intensive treatment or therapy.

For the purposes of this code, the term "emergency shelter home" shall not be deemed to include group care homes, family care homes, residential treatment facilities, or recovery homes. (See: Supplemental regulations.)

c. *Family care home:* Any dwelling occupied by six (6) or fewer persons, including staff, whether operated for profit or not, which provides for a period exceeding twenty-four (24) hours, one (1) or more personal services for persons who require such services not related to the owner or administrator by law, blood, marriage or adoption, and not in foster care. The personal services, in addition to housing and food services, may include but not be limited to personal assistance with bathing, dressing, housekeeping, adult supervision, emotional security and other related services, but not including medical services.

For the purposes of this code, the term "family care homes" shall not be deemed to include rooming or boarding homes, fraternities, sororities, clubs, monasteries or convents, hotels, emergency shelters, residential treatment facilities, recovery homes or nursing homes. (See: Supplemental regulations.)

d. *Group care home:* Any dwelling, building or other place occupied by seven (7) or more persons, including staff, whether operated for profit or not, which provides for a period exceeding twenty-four (24) hours, one (1) or more personal services for persons unrelated to the owner or administrator by law, blood, marriage or adoption, and not in foster care, who require such services. The personal services, in addition to food and housing services, may

include personal assistance with bathing, dressing, housekeeping, adult supervision, emotional security and other related services, but not including medical services.

For the purposes of this code, "group care homes" shall not be deemed to include rooming or boarding homes, fraternities, sororities, clubs, monasteries or convents, hotels, emergency shelters, residential treatment facilities, recovery homes or nursing homes.

e. *Recovery home*: A group residential facility with one (1) or more supervisors living on-premises conducted as a family home with professional staff services as needed providing board, lodging, supervision, medication and other treatment and counseling for persons progressing from relatively intensive treatment for crime, mental or emotional illness, delinquency, alcoholism, drug addiction or similar conditions in need of a structured environment to deal with such conditions.

For the purposes of this code, a "recovery home" shall not be deemed to include a residential treatment facility, group care home, family care home, nursing home, hospital, emergency shelter or emergency shelter home.

f. *Residential treatment facility*: Any residential establishment, other than a hospital or nursing home, providing relatively intensive diagnostic or therapeutic services for its residents for alcoholism, drug abuse, mental illness, emotional problems, developmental disabilities or similar conditions.

For the purposes of this code, a "residential treatment facility" shall not be deemed to include a nursing home, hospital, group care home, family care home or emergency shelter but it may have a recovery home component or outpatients.

Competent: Legally fit or qualified and adequate for the stipulated purpose. (Highlands County)

Comprehensive plan or plan: The Town of Lake Placid Comprehensive Plan, which was adopted by ordinance pursuant to F.S. ch. 163, as amended, and serves as the legal guideline for the future development of property in the Town of Lake Placid.

Concurrency: The necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur. (Highlands County)

Concurrency management system: The procedures and/or process of Highlands County to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development. (Highlands County)

Concurrency service area.: The geographic area in which the level of service is measured when an application for residential development is reviewed for school concurrency purposes. The concurrency service areas shall be the same as the adopted school attendance zones. (Highlands County)

Conditional use: A use that would not be appropriate generally or without restriction throughout the particular zoning district or classification in which it is to be located, but which if controlled as to number, area, location or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and general welfare. Conditional uses may only be permitted in the zoning districts or classifications specifically provided for in chapter 154 and only under the standards and regulations contained therein. This term shall be used synonymously with the term "special exception". Where the terms appear separately, one shall include the other.

Conduit: An enclosure for protecting wires and cables. (Highlands County)

Cone of influence: An area around one or more major water wells, the boundary of which is determined by the government agency having specific statutory authority to make such a determination based on groundwater travel or Drayton depth. (Highlands County)

Confining layer: An impermeable stratum separating one aquifer from another aquifer. The confining layer is made up of soils that act as a retardant to the downward flow of groundwater into the confined aquifer. The depth to this layer shall be determined by a Florida registered professional engineer or geologist for a proposed project. The concretaceous layer commonly known as the "hard pan" is not the confining layer for the purposes of this section. (Highlands County)

Congregate living facility (adult): Any institution, building or buildings, residence, private home, boarding home, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours one (1) or more personal services for four (4) or more adults who require such services not related to the owner or administrator by blood or marriage. The term "personal services" means service in addition to housing and food service, and includes but is not limited to personal assistance with bathing, eating, dressing, housekeeping, supervision of self-administered medicines and assistance with securing health care from appropriate sources.

Conservation easement: A right or interest in real property which is necessary to retain land or water areas in their natural, scenic, open, or wooded condition; retaining such areas such as suitable habitat for fish, plants, or wildlife; retaining the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance, as set forth in F.S. § 704.06. (Highlands County)

Conservation overlay map: A map maintained by the county and adopted as a general indicator to determine if environmental clearance is required. The map is used as a general indicator for the presence of one or more of the following resources: Xeric uplands; wetlands; cutthroatgrass seeps; historical and archaeological resources; wellhead protection zone; and, aquifer recharge areas. The conservation overlay map series consists of the following: Soil Survey of Highlands County (base document - USDA/SCS, Soil Survey of Highlands County, Florida, July, 1989); Conservation Overlay Map (base maps are USGS Quadrangle Maps - United States Geologic Survey); Map 600 - Highlands County, Florida Wetlands

(U.S. Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory); Archaeological Sensitive Areas Map; Historic Preservation Resource Map; and, Wellhead Protection Zone Map. (Highlands County)

Conservation uses: Activities designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality or quality of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats. (Highlands County)

Consistency rezone: That action taken by the BCC to make a property's zoning district classification consistent with its land use designation, as this designation appears on the future land use map series by adoption or by amendment. (Highlands County)

Construction permit: The permit to begin construction of improvements according to the construction plans and specifications approved by the local government.

Construction plans and specifications: The engineering or architectural drawings, specifications, tests and data necessary to show plans for construction of the proposed improvements required by subdivision and site plan requirements in this code in sufficient detail to permit evaluation of the proposals.

Continuing care retirement community: An age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee in excess of one year of monthly fees. (Highlands County)

Continuing repeat violation means a repeat violation of a provision of a town code which remains uncorrected after the date of the citation or notice of violation for the repeat violation. For each day of continuing repeat violation past the date of issuance of the citation or notice of violation, an additional penalty in the same amount as that prescribed for the repeat violation or as ordered by the code enforcement special magistrate shall be added.

Continuing violation means a violation of a provision of a town code, which remains uncorrected beyond the reasonable time period for correction contained in the citation or an order of the code enforcement special magistrate. For each day of continuing violation after the time for correction has run, an additional penalty in the same amount as the original violation or as ordered by the code enforcement special magistrate shall be added.

Contract for sale and purchase of development rights: A valid contract which must be in writing, pursuant to Florida law, for the sale of real property (development rights). (Highlands County)

Contractor: The individual, firm or company contracting with a UAO or Highlands County to work for furnishing materials or in contract as a subcontractor for a prime contractor, firm or company. (Highlands County)

Convalescent home: See: Congregate living facility, adult.

Convenience store: A building or portion of a building occupied by an establishment primarily engaged in retail sales of new merchandise and goods in less than bulk quantities directly to ultimate consumers on the premises and not for resale, and further characterized by the stocking and retail sale of merchandise, goods and items which are fairly inexpensive and which are purchased by the consumer on a frequent and often a daily basis.

Council, town: See: Town council.

County: Highlands County, Florida.

County means Highlands County, a political subarticle of the State of Florida. (Highlands County)

County administrator: The Highlands County Administrator or his/her designee. (Highlands County)

County engineer: The administrative entity responsible for the enforcement of certain sections of this chapter. A designated representative may be appointed to carry out these responsibilities. (Highlands County)

Cultural site: Those ceremonial or religious sites of Native American Cultures which have been so designated by the Florida Department of State, Division of Historic Resources. (Highlands County)

Cutthroatgrass seep: Any area of land supporting cutthroatgrass (*Panicum abcissum* Swallen,) as the dominant species. (Highlands County)

Day nursery: A nongovernmentally owned or leased building in which three (3) or more children under the age of sixteen (16) years are received for full- or part-time care, training or education, or any combination of these services, whether or not remuneration is paid the owner or operator. The term, when used in this chapter, shall also mean "kindergarten," "nursery school," "school for child care" and "child-care centers," operated or intended to operate in a privately owned or leased building.

Dedication: The deliberate transfer of land by its owner for any general or public use, usually with an eventual view toward transfer of ownership and management to the town.

Deed of transfer of development rights: A legal document which transfers the ownership of specified transferable development rights from one owner to another, and which is recorded in the Public Records of Highlands County. (Highlands County)

Deferral: An action to postpone to a later date or time a public hearing, prior to the notice of said public hearing being submitted for publication in a newspaper. (Highlands County)

Demolition: The act or process of wrecking, destroying or removing a building, structure or monument, or any part thereof. (Highlands County)

Demolition by neglect: Deterioration of a designated historic property or a property in a designated historic district by virtue of the withholding of ordinary maintenance and repair to the extent that the property or structure could be reasonably expected to become unsafe. (Highlands County)

Density: The number of residential dwelling units permitted per acre of land including preserved wetlands and exclusive of dedicated public rights-of-way, canals, drainage ditches, lakes and rivers.

Density bonus: An increase in the residential density of development that the county permits on a parcel of land over and above the starting density permitted by the Highlands County Comprehensive Plan for the land use category in which it is located. (Highlands County)

Developer: Any person, including a governmental agency, undertaking any development, or any person who acts in his own behalf or as the agent of the owner of a specific property or properties and engages in the process of development of said property (either proposed or actual). (Highlands County)

Development: The carrying out of any building or mining operation or the making of any material change in the use or appearance of any land or structure, and the dividing of land into two (2) or more parcels.

a. The following activities or uses shall be taken for the purposes of this code to involve development, as defined in this section:

- (1) A reconstruction, alteration of the size or material change in the external appearance of a structure on land.
- (2) A change in the intensity of use of land such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments or offices in a structure or on land.
- (3) Alteration of a shore or bank of a seacoast, river stream, lake, pond or canal, including any coastal construction, as defined in F.S. § 161.021.
- (4) Commencement of drilling, mining or excavation on a parcel of land, including excavation for or installation of a septic tank or other utilities, except to obtain soil samples or to drill individual water supply and irrigation wells.
- (5) Demolition of a structure.
- (6) Clearing of land as an adjunct of construction.
- (7) Deposit of refuse, solid or liquid waste or fill on land.

b. The following operations or uses shall not be taken for the purposes of this code to involve development as defined in this section:

- (1) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track carried out on land within the boundaries of the right-of-way.
- (2) Work by a utility or other person engaged in the distribution or transmission of gas or water for the purpose of inspecting, repairing, renewing or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like.
- (3) Work for the maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
- (4) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
- (5) A change in the ownership or form of ownership of any parcel or structure.
- (6) The creation or termination of rights of access, easements, riparian rights, covenants concerning development of land or any other rights in land.

c. Development, as designated in this code, includes all other development customarily associated with it, unless otherwise specified. When appropriate to the context, development refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development.

Development administrator: The town employee who is designated by the town and with the approval of the town council as the official responsible for the administration of this code.

Development agreement: An agreement entered into between the town and a developer specifying certain of the terms and conditions under which the development will proceed and executed pursuant to the provisions of chapter 156.

Development approval: See: Preliminary development approval.

Development order: See: Final development order.

Development permit: Any permit which grants the formal permission to alter, fill, grade, excavate, raze, move, remove, clear land, remove trees, or otherwise develop land or construct or erect structures within the Town of Lake Placid.

Development order/permit: Any order or approval by Highlands County that grants, denies, or grants with conditions an application including but not limited to any building permit, zoning action or permit, plat approval, certification, variance, or other action having the effect of permitting new development, redevelopment, or ongoing development. (Highlands County)

Development right: The ability to develop one residential dwelling unit which can be transferred to another property through procedure adopted by the BCC; and where the residential use being transferred is permitted in both the sending and receiving areas by the comprehensive

plan and the zoning ordinance. The land owner may sell or donate the development rights and still retain the title to the land and the right to use the surface of the land on a limited basis consistent with the appropriate easement. (Highlands County)

Development rights: The number of residential dwelling units or the amount of commercial or industrial square footage which may be constructed on a particular parcel or lot as specified in the zoning district regulations.

Development stage: A specified portion of a development that may be developed as an independent, freestanding entity with road access, drainage and utilities and other improvements required for a preliminary plat or site plan, whichever is applicable.

Disturb: An improperly conducted intentional or deliberate physical intrusion upon or into an archaeological resource for purposes of development, mining, agriculture, or otherwise, the effect of which diminishes or degrades the original integrity of an archaeological site or its contents. (Highlands County)

Disturbed lands. Any surface area that is mined or reconfigured as a direct or incidental result of earth moving activities. (Highlands County)

Ditch: A long, narrow, shallow trench or furrow that has been dug in the ground for irrigation, drainage, or boundary line purposes. (Highlands County)

Drainage basin: The area defined by topographic boundaries which contributes stormwater to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin. (Highlands County)

Drainage facilities: A system of manmade structures designed to collect, convey, hold, divert, retain, or discharge stormwater, and includes stormwater sewers, canals, detention structure, and retention structure. (Highlands County)

Drip line: An imaginary vertical line running from the outermost branches or portion of the tree crown to the ground. (Highlands County)

Drug store: See pharmacy. (Highlands County)

Due public notice: See: Section 153-2.

Duplex: A single building containing two (2) dwelling units

Dwelling: Any building or portion thereof, including modular factory-built homes, which is designated for or used for residential purposes but not including a trailer coach or converted trailer, hotel, motel, lodging house or boarding house. Mobile homes are regulated separately from other single-family dwellings concerning the provisions of ~~section 153-5, section 155-11, and article III of chapter 155~~ of this code.

Dwelling, multifamily: A residential building designed for or occupied exclusively by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, single-family: A private residential building used or intended to be used as a home or residence in which the use and management of all sleeping quarters and appliances for sanitation, cooking, heating, ventilation, and lighting are designed primarily for the use of one (1) family unit, and with partitioning so that any substantial interior portion of the dwelling may be reached without resort to exterior access, and so that the building has one (1) kitchen and one (1) electrical meter.

Dwelling, two-family (duplex): A residential building designed for or occupied by two (2) families, with the number of families in residence not exceeding the number of dwelling units provided.

Easement: A grant from a property owner for the use of land for a specific purpose or purposes by the general public, by a corporation or by a certain person or persons.

Eating and drinking establishments: A building, or portion of a building, occupied by an establishment in which a person or persons practice a vocation that performs a type of labor, act or work that primarily results in the preparation and retail sale of food or beverages directly to the ultimate consumer on the premises and not for resale.

- a. *Restaurant:* An eating and drinking establishment designed to serve primarily walk-in or pedestrian-oriented customers. Such establishments normally contain a considerable amount of indoor eating space and tables and specialize in foods and/or beverages that are consumed on the premises within the principal building itself. While automobile off-street parking space is normally included on the premises, it does not constitute a major service factor in the function of the establishment.
- b. *Drive-in restaurant:* An eating and drinking establishment designed primarily to provide for the quick, efficient and convenient ordering and dispensing of food and beverages to automobile-oriented customers. Such establishments normally contain little indoor eating space and few tables and normally specialize in carry-out purchases often consumed outdoors on the premises, within automobiles or off the premises entirely. Off-street parking and automobile access to the premises normally constitute a major service factor in the function of the establishment.

Emergency: A situation or occurrence of a serious nature, developing suddenly and unexpectedly, and demanding immediate action that will effect the safety of the public or a condition that will cause damage to the county's right-of-way; during a situation of this type the UAO can and may protect the public safety sooner by using equipment on hand, than by strictly complying with the requirements of this section. (Highlands County)

Emergency services: Emergency services are fire, emergency management, and emergency operations services. (Highlands County)

Emergency shelter: See: Community-based residential facilities.

Emergency shelter homes: See: Community-based residential facilities.

Environmental clearance: Those procedures and processes that are used to establish remedies for any negative impacts a specific development proposal may have on natural resources. (Highlands County)

Environmental clearance report (ECR): The report and maps prepared in accordance with Article 12, section 12.12.614 environmental clearance report (ECR) of these regulations. The ECR will contain the basic information upon which the county shall condition its environmental clearance. (Highlands County)

Erected: The term "erected" includes built, constructed, reconstructed, moved upon or any physical operations on the premises required for building. Excavations, fill, drainage and the like shall be considered a part of erection. (Highlands County)

Erosion control: The method used to protect county rights-of-way and any of its facilities by complying with all county, state, and federal regulations; normally this is accomplished by placing sod in all areas disturbed by the utility construction. (Highlands County)

Essential services: Essential services are police, sheriff, or other public safety services not covered in emergency services. (Highlands County)

Extended care facility: A long-term facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution. (See long-term care facility) (Highlands County)

Exterior architectural features: The architectural style, general design and general arrangement of the exterior of a building or other structure, including, but not limited to, the type or texture of the building material, the type and style of all windows, doors and signs; and other appurtenant architectural fixtures, features, details or elements relative to the foregoing. (Highlands County)

Fall zone: The area surrounding a ground-mounted tower within which a Florida licensed professional engineer certifies that the tower is designed to fall or collapse in the event of structural failure of all or part of the tower. (Highlands County)

Floor area ratio (FAR): The gross floor area of all buildings or structures on a lot divided by the total lot area. See below Diagram below. (Highlands County)



Diagram -- Floor Area Ratio (FAR)

Family: One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over four (4) persons. In addition, a related family may have up to two (2) unrelated individuals living with them. The term "family" does not include any organization or institutional group.

Family care home: See: Community-based residential facilities.

Family homestead: A residential homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to the individual. The parcel shall be no less than one (1) acre in size and this provision shall apply only once to any individual (F.S. § 163.3179).

Filling station: See: Automobile service station.

Final development order: An order issued by the development administrator following preliminary development approval as set forth in this code and which authorizes a specific land use or land development activity, and further authorizes the issuance of the necessary development permits.

Firewise Landscaping: A set of principles which seek to break up the continuity of vegetation that might otherwise spread fire between adjacent wildlands and urban areas. (Highlands County)

Flood: A temporary rise in the level of a body of water inundating areas not ordinarily so covered.

Flood frequency: The statistically determined average for how often a specific flood level or discharge may be equaled or exceeded.

Floodway: The channel of a watercourse and the portions of the areas not ordinarily so covered.

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking a vehicle. (Highlands County)

~~Floor area: The sum of the gross horizontal areas of one (1) or more floors of a building measured from the exterior faces of exterior walls or from the centerline of the wall separating two (2) attached buildings.~~

Floor area: "Floor area" shall mean the total gross floor area within the exterior enclosing walls of a dwelling or structure not including porches, breezeways, carports, terraces and garages. Where a specific minimum floor area is required for sleeping rooms, "floor area" shall mean the enclosed floor area of the sleeping room, excluding closets, toilets, bathrooms, porches and the like. (Highlands County)

Florida Master Site File (FMSF): The FMSF is a comparative data base of all recorded archaeological and historical sites in Florida. It includes site records for properties which no longer exist, and contains the comparative data pertaining to archaeological and historical criteria used in determining site significance. Inclusion in the FMSF authorizes a site to be designated on the comprehensive plan archaeological/historical Preservation overlay map as an archaeological sensitive area or resource. (Highlands County)

Florida-Friendly Landscaping: A set of principles which includes planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible yard waste, reduction of stormwater runoff and waterfront protection. Additional components of Florida-Friendly Landscaping include planning and design, soil analysis, the use of solid waste compost, practical use of turf, and proper maintenance. (Highlands County)

Foster home: Any establishment that provides care for fewer than five (5) children unrelated to the operator for a payment, fee or grant for any of the children receiving care, whether operated for profit or not.

Frontage:

- a. Street frontage: All of the property abutting one (1) side of street right-of-way between two (2) intersecting streets, measured along the adjacent street right-of-way line in all directions.
- b. Lot frontage: The width of a lot or parcel of land measured along the adjacent street right-of-way line between opposite property ownership lines.

Frontage of a building: The side or wall of a building, approximately parallel to a right-of-way line. (Highlands County)

Frontage of a property: The lot line which abuts a street or separates the lot from the street. (Highlands County)

Functionally dependent facility: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities. (Highlands County)

Garage, community: A building or part thereof, used for indoor parking of a self-propelled private passenger vehicle, for use of residents in the vicinity and providing only incidental services for such vehicles as are parked therein. (Highlands County)

~~Garage, apartment:~~ An accessory or subordinate building, designed and intended to be used for the housing of vehicles belonging to the occupants of an apartment building on the same property.

Garage apartment: An accessory or subordinate building not a part of or attached to the main building, containing living facilities for not more than one (1) family, the living facilities of which shall not occupy more than fifty (50) percent of the total floor area of the building.

Garage, mechanical: Any building or land used or intended to be used to accommodate automotive repair, rebuilding, reconstruction, painting, tire recapping, welding or servicing.

Garage, private: An accessory building or a portion of the principal building, used for storage of automobiles of the occupants of the principal building. A carport is a private garage.

Garage, private: A building, attached to or detached from a principal structure, intended for the storage of automobiles or other wheeled property belonging primarily to occupants of the premises.

Garage, public: Any land or building used for the storage of automobiles, trucks or commercial vehicles, trailers, buses, tractors or other wheeled property primarily for non-occupants of the premises, whether or not remuneration is paid or received for such storage.

Garage, repair: See: Automotive repair.

Garage, storage: A building or portion thereof designed or used exclusively for the storage or parking of automobiles; services other than storage at such storage garage shall be limited to refueling, lubrication, washing, waxing and polishing.

Garden apartment: See: Dwelling, multifamily.

Governmental agency:

- a. The United States or any department, commission, agency, or other instrumentality thereof;

b. The State of Florida or any department, commission, agency, or other

c. Any local government, as defined in this chapter, or any department, commission, agency, or other instrumentality thereof; and,

d. Any school board or other special district, authority, or other governmental entity.
(Highlands County)

Grade: The finished elevation of a site after all fill, land balancing or site preparation has been completed.

Ground-mounted tower: A monopole tower, lattice tower or guyed Tower. (Highlands County)

Group care home: See: Community-based residential facilities.

Group housing: Two or more separate buildings for dwelling purposes erected or placed on the same lot. (Highlands County)

Guardhouse: See: Supplemental regulations.

Guest cottage: Living quarters within a detached accessory building located on the same lot or parcel as the main building, used exclusively for housing members of the family occupying the main building and their nonpaying guests. Such quarters shall not be rented or otherwise used as a separate dwelling.

Guyed tower: A ground-mounted transmission tower that is supported, in whole or in part, by guy-wires and ground anchors. (Highlands County)

Handicap requirements: Design criteria that respond to the special needs of the handicapped, as specified in the most recently published federal and state guidelines.

Haul route: Those roads upon which vehicles transport the excavated materials from the mine to a publicly maintained road as proposed and approved in the mining operations plan. (Highlands County)

Hazardous waste:

a. Any industrial or medical by-product, refuse, waste material, biomass, chemical, or substance which is unsuitable for reuse, remanufacture, or recycling and which requires extraordinary measures or precautions for its containment, storage, transportation, or disposal as a means to protect:

1. Public health and safety;

2. The naturally occurring ecology of the county;

3. The purity of local aquifers and the quality of groundwater recharge occurring in Highlands County and

4. The productivity and usefulness of private property. Hazardous waste includes but not limited to, any noxious, poisonous, carcinogenic, contaminated, radioactive, or pathological refuse, by-products, or precipitates resulting from any process to treat or incinerate industrial or medical wastes generated outside Highlands County.

OR

b. Solid waste, or a combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed. (Highlands County)

Health services: Health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, and miscellaneous types of medical supplies and services. (Highlands County)

Hearing means a regular or special convening by the code enforcement special magistrate to transact any business within the jurisdiction of the special magistrate, including hearings on alleged violations of Town Code.

Height of buildings: See: Building height.

Height of buildings: The vertical distance from the established grade at the center of the front of the building, to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and to the mean height level between eaves and ridge for a gable, hip or gambrel roof, as shown on the following Diagram: (Highlands County)

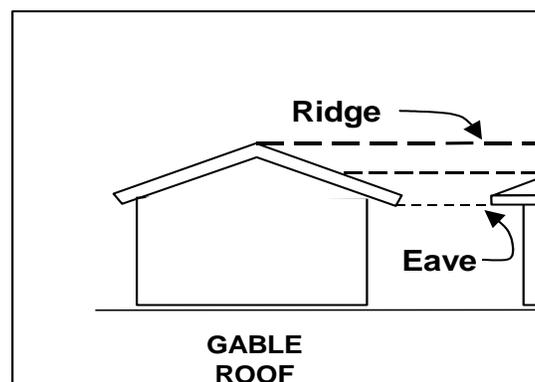


Diagram # 2 - Height of Buildings

Historic designation: A decision by the BCC to designate a property as a "historic property" or a

district as a "historic district" and to thereafter prohibit all alteration, demolition or construction on such property or within such district prior to the issuance of a certificate of appropriateness by the HPC. (HC)

Historic district: A geographically definable area designated by the BCC, which contains structures, sites, monuments or a combination thereof which:

- a. Have special character or special historical or aesthetic interest or value;
- b. Represent one or more eras of the history of the county; and
- c. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the county. (HC)

Historic preservation commission (HPC): An appointed commission charged to establish uniform procedures to preserve the county's archaeological and historic resources and to enhance public participation and involvement in the preservation and protection of such resources. (HC)

Historic preservation design guidelines: The United States Secretary of the Interior's "Standards of Rehabilitation," as amended by the BCC, along with any other criteria adopted by the BCC. (HC)

Historic property: A landmark structure, site or monument, including the adjacent area necessary for the proper appreciation or uses thereof, deemed worthy of preservation by reason of its value to the county, for one or more of the following reasons:

- a. It is an outstanding example of a structure representing its era;
- b. It is one of the few remaining examples of a past architectural style;
- c. It is a place or structure associated with an event or person of historic or cultural significance to the county; or
- d. It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the county.
- e. Any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places if the Florida Historic Preservation Program has been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior, or

(b) Directly by the Secretary of the Interior in states without approved programs. (HC)

Historic resources: All areas, districts or sites containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by the BCC as historically, architecturally, or archaeologically significant. (HC)

Historic structure: A structure, portion of a structure, site, or archaeological location which is identified on the National Register of Historic Places maintained by the United States Department of the Interior, which is identified on the Florida Master Site File maintained by the Florida Department of State, or which would qualify for inclusion on either list.

Home occupation: Any use conducted entirely within a dwelling and carried on by an occupant thereof that is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Home occupations shall not be construed to include barbershops, beauty parlors, tearooms, restaurants, real estate offices, food processing establishments, antique stores, commercial kennels, professional offices or insurance offices.

Home occupation: Any occupation, customarily a "home occupation" in Lake Placid, such as an office use, in connection with which there is kept no stock-in-trade or commodity sold upon the premises; not more than one (1) person not a resident of the premises is employed; and provided that such use is contained within the principal structure; in connection with which there is used no sign, other than an unlighted nameplate not more than two (2) square feet in area, nor display that indicates from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; also provided that such occupation shall not be permitted until a certificate of occupancy for its operation is applied for and granted by the building inspector upon his finding that such occupation will not violate the provisions or the intent of this chapter.

Hospital: Any institution, including a sanitarium, which maintains and operates facilities for overnight care and treatment of two (2) or more unrelated persons as patients suffering mental or physical ailments, but not including any dispensary of first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent or convalescent home.

Hotel, motel, motor lodge or tourist court: A building licensed by the Florida Department of Business Regulation containing individual guest rooms for which daily or weekly lodging is provided as the transient residence (even for extended periods) of individuals.

House trailer: See: Mobile home.

Impervious surface coverage: See: Lot coverage.

Industrial uses: The activities predominantly connected with manufacturing, assembly, processing, or storage of products. (Highlands County)

Infill: A land use strategy to encourage the utilization of existing infrastructure for the orderly development of isolated or skipped-over properties within the urbanized areas of the county. "Infill development" means the improvement and building up of such properties for the most suitable density and/or intensity or type of land use that is compatible with surrounding development patterns and infrastructure capacities. (Highlands County)

Infrastructure: Those manmade structures which serve the common needs of the population, such as: sewage disposal systems, potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems, utilities; piers; docks; wharves; breakwaters; bulkheads; sea walls; bulwarks; revetments; causeways; marinas, navigation channels, bridges, and roadways. (Highlands County)

Intermediate care facility: A facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility provides. (Highlands County)

Inter-modulation interference: Signal interference caused by a wireless communication facility to the signal of one or more existing wireless communication and/or broadcast systems. (Highlands County)

Interference of traffic: The obstruction, impeding, or otherwise disruption of vehicle movement. (Highlands County)

Institutional use: A nonprofit, religious, or public use, such as a church, library, public or private school, hospital, or government owned or operated building, structure, or land used for public purpose. (Highlands County)

Junk: Inoperative, dilapidated, abandoned or wrecked materials including but not limited to, automobiles, trucks, tractors, wagons, boats and other kinds of vehicles and parts thereof, scrap builders' materials, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery and the like.

Junkyard: A place where junk, waste or discarded or salvaged materials are brought[bought], sold, exchanged, stored, baled, packed, disassembled or handled. Junkyards shall include

automobile wrecking, house wrecking, and structural steel material and equipment yards, but shall not include places for the purchase or storage of used furniture and household equipment, used cars in operator condition or used or salvaged materials for manufacturing. (See also: Automotive wrecking and salvage)

Kennel: Any place or premises where animals are kept or boarded for a fee. (Highlands County)

Kennel, pet: The keeping of any number of pets for sale or for breeding, boarding or treatment purposes, including a veterinary clinic, animal grooming or pet shop.

Lake Placid Regional Plan (LPRP): Below are definitions specific to the Lake Placid Regional Plan.

Developed Lands (LPRP): Land which has been subdivided by plat into residential lots, or subdivided by deed into parcels containing 10 acres or less. The presence of a home on a parcel indicates that the parcel is developed land. Platted parcels greater than 10 acres which do not contain a house, and are not claimed as homestead on the date of adoption of the LPRP Overlay District Land Development Regulations, are not considered developed lands.

Flex Space (LPRP): Land which may be used for a variety of light assemblage, fabrication, storage, light industrial, office space, and support commercial uses.

Green Space (LPRP): Water management areas, parks, multi-use path, private yards and setbacks, preserves, and landscaped areas.

Gross Density (LPRP): The density of residential dwelling units per acre calculated on the total fee owned acres before uncompensated extraction.

Gross Residential Density (LPRP): The total number of residential dwelling units or equivalent residential units within a residential project, or within a residential parcel contained within a project, divided by gross residential acreage.

Gross Residential Acreage (LPRP): The total acreage within a project, or part thereof, which is proposed for residential lots or parcels above the ordinary high water line of any naturally occurring water body and exclusive of all areas considered to be part of a project's gross nonresidential acreage, as listed below. The total acreage shall include:

- Any man-made water body.
- Wetland acreage.
- Acreage within any required setbacks from such jurisdictional area as required.

Gross Non-residential Acreage(LPRP): The total acreage within a project, or part thereof, which is proposed for non-residential lots or parcels, and which is also:

- exclusive of all areas considered to be part of a project's gross residential acreage, as defined herein.
- above the mean high water line or mean high tide of any naturally occurring water body.
- occupied by any man-made water body.
- wetland acreage.
- part of any proposed public facility dedicated to, and accepted by, Highlands County, or by the Highlands County School Board, or part of any park or outdoor recreation area.
- inclusive of local streets or other streets internal to the project.
- occupied by any easement for any public or private utility.
- proposed as an open space area.
- adjusted, where applicable, for any reductions in gross residential acreage.

Net Density (LPRP): The residential density on the lot or parcel for development considering the actual boundary of the developable piece of property or parcel within a larger developable area. Public rights-of-way shall not be included. Internal private roads shall be included.

Net Residential Density (LPRP): The total number of residential dwelling units or equivalent residential units within a residential project, or within a residential parcel contained within a project, divided by net residential acreage.

Net Residential Acreage (LPRP): The total acreage within a project proposed for residential lots or parcels, including off-street parking areas, and also meeting the following limitations:

- Not subject to the jurisdiction of any local, state, or federal environmental review agency (wetlands).
- Not part of any recreational facility within the project or part of any public facility within the project.
- Not part of any natural water body below mean high water, or ordinary high water, as estimated at time of project review.

- Not part of any dedicated conservation easement.
- Not within any utility easement (i.e. above ground transmission lines, major underground utility easements).

Open Space (LPRP): Includes private yards, but only the landscaped median portion of public roads. Gross open space shall include recreational uses, manmade water bodies, conservation and preservation areas, required buffers, pedestrian and bicycle circulation systems, water management areas and community gathering places.

Residential (LPRP): Includes a variety of market units. The residential products may be for rental or home ownership opportunities and may include fee simple or condominium style development. Residential types shall include, but are not limited to: single-family, duplexes, multi-family, garden units, townhouses, estate homes, group housing and nursing homes.

Land: The earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land including water surfaces and lands under water. (Highlands County)

Land clearing: Engaging in a land management practice or practices, which will result in the destruction of natural resources (as identified on the conservation overlay map; i.e., xeric uplands, cutthroatgrass seep, or wetlands), with the natural resource being replaced or succeeded by something else (e.g. bare soil, different resource type, or invaded by non-native species) which precludes the long-term (five years) recovery of the original natural resource type. Land clearing activities which impact listed species may also be subject to state and federal regulation. The following activities do not constitute "land clearing" and do not require a land clearing permit even when undertaken in areas with natural resources as identified on the conservation overlay map:

- Maintenance of roads, rights-of-way, and utility easements;
- Construction or maintenance of fence lines up to 20 feet on each side of the fence;
- Maintenance of existing drainage and stormwater management systems;
- Maintenance of the fire breaks and fire lines up to 40 feet wide;
- Maintenance burning other than bay heads;
- Maintenance of native range according to the Best Management Practices of the U.S. Natural Resources conservation Service;
- Maintenance or improvement of improved pasture and land in active agricultural

production;

h. Removal of non-native vegetation;

i. Surveying pursuant to Florida Statutes;

j. Agricultural activities as defined in section 12.12.620.E;

k. Clearing for all activities and uses outside the conservation areas depicted on the conservation overlay map pursuant to Natural Resource Policy 3.4; or

l. Whenever life or property is threatened or endangered during a civil emergency.
(Highlands County)

Land development or land use activity: [This definition will cover clearing, tree cutting, filling, etc. plus activities not normally requiring structures or physical changes to the land.]

Land development code: For purposes of this code, "land development regulations" or "regulations for the development of land" include any local government regulation concerning zoning, building and construction, subdivision of land or other regulations controlling the development of land. Some of these types of local government regulations controlling the development of land within a jurisdiction may have been combined into a single document known as the "land development code." The term refers to individual provisions herein as well as the document as a whole.

Landscaping: Any living plant materials such as trees, shrubs, vines, hedges, ground covers of palms, and nonliving durable materials commonly used in landscaping such as rocks, pebbles, sand, walls, fences, berms, sculptures and fountains, or any combination of the above, but excluding paving. Grass is not considered landscaping. (See: Supplemental regulations.)

Lattice tower: A ground-mounted guyed or self-supporting three or four-sided, open, steel frame transmission tower. (Highlands County)

Laundry, self-service: A business that provides home-type clothes washing and drying or ironing machines for hire to be used by customers on the premises.

Level of service:. An indicator of the extent or degree of service provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility or the comparison of public school enrollment to school capacity in a given concurrency service area. (Highlands County)

Littoral zone: The area or boundary between land and water where shoreline plants grow.
(Highlands County)

Liquor store: An alcoholic beverage establishment that does not sell beverages for on-premises consumption.

Live entertainment establishment: This includes establishments that have singers, pianists, musicians, musical groups, bands, vocal or instrumental performers, dancers, theatrical shows, magicians, comedians and all fashion, form and media of live entertainment carried on and conducted in the presence of and for the entertainment of others, to be distinguished from records, tapes, pictures and other forms of reproduced or transmitted entertainment. (See: Supplemental regulations.)

Livestock: All animals of the equine, bovine or swine class, including horses, mules, cattle, hogs, sheep, goats and other grazing animals. (Highlands County)

Living area: The minimum floor area of a residential dwelling unit (as measured by its exterior dimensions) having access from within the main living area, exclusive of carports, porches, sheds, garages and utility rooms which are not within the walls of a dwelling.

Living area: All of the area measured within the outside foundation walls of the principal structure, including such areas as utility rooms, pantries and storage closets, excluding such areas as attic storage, garages, carports, breezeways, patios and porches (screened, roofed or otherwise).

Loading space: A space within the main building or on the same lot providing for the standing, loading or unloading of trucks of other motor vehicles.

Loading space: A space on the lot or parcel of land accessible to an alley or street not less than twelve (12) feet in width, thirty (30) feet in depth and fourteen (14) feet in height.

Local development order: A valid, unexpired permit or development approval, including, but not limited to a building permit, a final subdivision plat or site plan approval, a development agreement made pursuant to the Florida Local Government Development Agreement Act, or other action by the county having the effect of permitting. (Highlands County)

Local government: The Town Council of the Town of Lake Placid and its officers, agents, boards and commissions.

Local planning agency (LPA): The Town of Lake Placid Planning Commission, which has been designated by the town council by ordinance to prepare, monitor and update the comprehensive plan.

Local road: A roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property. (Highlands County)

Long-term care facility: An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients. (Highlands County)

Lot: A parcel of land of at least sufficient size to meet minimum requirements for use, coverage and area and to provide such yard and open space as is required. A lot shall have frontage on an improved public road or street where required by the terms of this Code and may consist of:

a. A single lot of record;

b. A portion of a lot of record;

c. A combination of complete lots of record; of complete lots of record and portions of lots; or of portions of lots of record;

d. A parcel described by meets and bounds;

e. Provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Code. Includes the words "plot" or "parcel." (Highlands County)

Lot: Any parcel, tract, or area of land which may be described by metes and bounds or subdivision plat and having identifiable legally established property lines; also, a tract of land occupied or intended to be occupied by a use permitted in this code, including at least one (1) main building together with any accessory buildings and the yard areas and parking spaces required by this code and having a principal frontage upon a publicly owned or maintained street. The term "lot" shall include "plot" or "parcel", and along with other, similar terms are intended to have the same meaning in this code.

Lot, corner: A lot abutting upon two (2) or more streets at their intersection or at a street corner having an interior angle not greater than one hundred thirty-five (135) degrees.

Lot coverage: The area of the lot covered by the ground floor of all principal and accessory uses and structures, including areas covered by the roof of such uses and structures, measured along the exterior faces of the walls along the foundation wall line, between the exterior faces of support columns, from the centerline of walls separating two (2) buildings or measured by a combination of the foregoing, whichever produces the greatest total ground coverage for such uses and structures. Lot coverage shall also include all impervious surfaces such as drives, parking areas, walkways, swimming pools, patios, terraces and the like.

~~*Lot depth:* The distance measured from the middle point of the front line to the middle point of the opposite rear line of the lot.~~

Lot, double frontage: A lot that has frontage on two (2) nonintersecting streets, also called a through lot.

Lot frontage: The front of a lot shall be construed to be the portion nearest the right-of-way line. For the purpose of determining yard requirements on corner lots and through lots, all yards of a lot adjacent to a street shall be considered frontage, and yards shall be provided as required. (Highlands County)

Lot line: The legal boundary line of a lot.

Lot measurements:

a. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

b. Width of a lot shall be considered to be the distance between straight lines connecting the front and rear lot lines at each side of the lot, measured across the rear of the required front yard. (Highlands County)

Lot of record: A lot which is part of a subdivision, the map or plat of which has been recorded in the office of the clerk of the Circuit Court of the Highlands County, or a parcel of land, the deed of which has been recorded in that office.

Lot or site area: The horizontal plane area within the lot lines expressed in these regulations in square feet or acres.

Lot types: The diagram, which follows illustrates terminology with reference to "corner" lots, "interior" lots, "reverse frontage" lots and "through" lots:

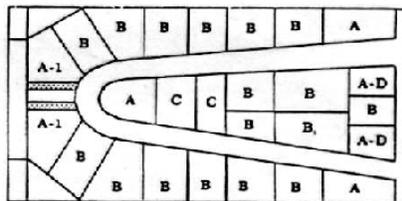


Diagram - Lot Types

a. A--Corner lot. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the lot line meet at an interior angle of less than 135 degrees. See lots marked A-1 in diagram.

b. B--Interior lot. A lot other than a corner lot with only one frontage on a street other than an alley.

c. C--Through lot. A lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as "double

frontage lots."

d. D--Reverse frontage lot. A lot in which the frontage is at right angles, or approximately right angles to the general pattern in the area involved. A reverse frontage lot may also be a corner lot (see A--D). (Highlands County)

Lot width: The horizontal distance between the side lot lines, measured at the front setback line.

Low income families: "Lower income families" as defined under the Federal Section 8 Assisted Housing Program, or families whose annual income does not exceed 80 percent of the median income for Highlands County. The term "families" includes "households." (Highlands County)

Major crossing: Pipe crossings eight inches or greater in outside diameter; crossing requiring well point dewatering; and other crossings of an unusual and difficult nature as determined by the county engineer. (Highlands County)

Manhole: An opening in an underground system which workmen or other may enter for the purpose of making installations, inspections, repairs, connections and tests. (Highlands County)

Manufactured building: The definition of the term "manufactured building" shall be as defined in F.S. § 553.36, as from time to time amended. For the purpose of this chapter, the term "manufactured building" does not include mobile homes. (Highlands County)

Manufactured home: The definition of the term "manufactured home" shall be as defined in F.S. § 320.01, as from time to time amended. (Highlands County)

Marina: See: Boatyard.

Material change in appearance: A change that will affect the exterior architectural features of a historic property or of any structure, site or monument within a historic district and may include any one or more of the following:

a. A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;

b. Demolition of a historic property;

c. Commencement of excavation;

d. Change in the location of advertising visible from the public way or any historic property;
or

e. The erection, alteration, restoration or removal of any building or other structure within a

historic district, including walls, fences, steps, pavements or other appurtenant features, except exterior paint alterations. (Highlands County)

May: Is permissive. Where "may" is used, it is considered to denote permissive usage. (Highlands County)

Mean high-water line: The intersection of the shore of any body of water with the tidal plane of the average height of high waters in the body over a nineteen-year period or, for shorter periods of observation, the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean nineteen-year value, as defined in F.S. § 177.27.

Mean sea level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. (Highlands County)

Median: The portion of a highway or street separating the traveled ways for traffic moving in opposite directions. (Highlands County)

Mine: An area of land upon which mining operations have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade. (Highlands County)

Minerals: All solid minerals, including clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths, which are contained in the soils or waters of the state. (Highlands County)

Mini-warehouse: A building or group of buildings in a controlled-access compound that contains individual, compartmentalized access stalls or lockers of equal or varying sizes for the dead storage of a customer's goods or wares.

Mobile home: A movable or portable detached single-family dwelling designed for and capable of being used for long-term occupancy, designed to be transported after fabrication on its own permanent chassis and wheels, arriving at the site substantially complete, of such size and weight as to require special highway movement permits, and in excess of eight (8) feet in width and thirty-two (32) feet in length but not exceeding twenty-eight (28) feet in width and seventy-five (75) feet in length. A mobile home shall be as defined by Florida law, and shall be transportable, manufactured, suitable for real estate and utilized for non-transient purposes. The mobile home shall contain the same water supply, waste disposal and electrical conveniences as conventional housing. Mobile homes are regulated separately from other single-family dwellings in section 155-3, section 155-11 and article II of chapter 155 of this code.

Mobile home: A residential structure that is transportable in one or more sections, eight body feet or more in width, and over 35 feet in length, built on an integral chassis, and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure, constructed to

standards promulgated by the United States Department of Housing and Urban Development, or if fabricated after June 15, 1976, each section shall bear a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards. (Highlands County)

Mobile home park: A place set aside and offered for either direct monetary or for indirect benefit by any person, firm, corporation, municipality or other public body for the parking and accommodation of two or more mobile homes, travel trailers or recreation units occupied. (Highlands County)

Mobile home subdivision: A subdivision designed and intended for residential use where residence in such subdivision is restricted exclusively to mobile homes. (Highlands County)

Modular factory-built home: A modular unit residential building composed of one (1) or more dwelling units, or habitable rooms or component parts thereof, which is either wholly manufactured or in substantial part constructed in a central manufacturing facility and bears the approval of the department of community affairs under the provisions of the Florida Housing Act of 1971. However, this term does not apply to mobile homes, as defined by F.S. ch. 320. Modular homes are regulated by this code as dwellings.

Modular home: A manufactured building designed and intended for residential use. The term "modular home" does not include mobile homes. (Highlands County)

Monopole tower: A ground-mounted transmission tower that is freestanding and constructed without guy wires and ground anchors. (Highlands County)

~~Motel: See: Hotel.~~

Motel: A public lodging establishment which offers rental units with a direct exit to the outside of each rental unit, daily or weekly rates, off-street parking for each unit, a central office on the property with specified hours of operation and a bathroom or connecting bathroom for each rental unit. (Highlands County)

Motor home: Any unit, such as a motor coach or camper, which can be described as a self-propelled vehicle fitted and equipped for living purposes, including facilities for sleeping and/or preparation of food

National Geodetic Vertical Datum (NGVD): Is a vertical control used as a reference for establishing varying elevations within the floodplain. (Highlands County)

Natural drainage features: The naturally occurring features of an area which accommodates the flow of stormwater, such as streams, rivers, lakes and wetlands. (Highlands County)

New construction: Structures for which the "start of construction" commenced on or after the effective date of this Code. (Highlands County)

Nonagricultural labor housing: One (1) or more buildings or structures, apartments, mobile homes, trailers, or manufactured housing, or any portion thereof, together with the land appertaining thereto, established, operated, furnished as an incident of employment, or used as living quarters for seasonal, or temporary workers whether or not rent is paid or reserved in connection with the use of occupancy of such premises. The definition also includes two (2) or more labor dwelling units located on the property of one (1) person. This term shall have the same meaning as "nonagricultural labor camp."

Nonconforming use or building: The use of a building or land, or a portion thereof, which was legally established and existed prior to the effective date of the use regulations for the district in which it is located but which does not conform to the use regulations of that district.

North American Industry Classification System: A classification system published by U.S. Executive Office of the President Office of Management and Budget that classifies all non-residential activities, primarily for industry and business. (Highlands County)

Nursing home: See: Congregate living facility (adult).

Occupied: The term "occupied" includes "used," "designed," "built," "altered," "converted to" or "intended to be used or occupied."

Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment. (Highlands County)

Office building, business or professional: A building providing office space for professional services in law, architecture, engineering, medicine, dentistry, osteopathy, chiropractic or optometry, or any related areas, or consultants in these professions.

Official register: A register of procedural rules, fees and other information necessary and helpful for the use of the development administrator in the administration of this code.

On-site: Within the contiguous limits of an area of land under one ownership or control and upon which farming or construction activities are taking place. Areas of land that are divided by public or private roads, railroads and linear easements are considered contiguous if such areas are under one ownership or control. (Highlands County)

Open space(s): Undeveloped lands suitable for passive recreation or conservation uses. (Highlands County)

Open space easement: A right or interest in real property where access may be restricted or unrestricted; activities may be passive or active; vegetative cover may be natural or improved; and, where all structures are limited only to non-habitable recreational use. (Highlands County)

Ordinary high water line: The boundary between uplands and submerged lands beneath nontidal navigable natural water bodies. (Highlands County)

Outpatient care facilities: An establishment where patients who are not lodged overnight are admitted for examination and treatment by one (1) person or a group of persons practicing any form of healing or health-building services to individuals, whether such persons be medical doctors, optometrists, dentists or any such profession, the practice of which is lawful in the State of Florida.

Parcel: See: Lot.

Park model: The term "park model" shall have the same definition as provided for the term "park trailer" in F.S. § 320.01. (Highlands County)

Parking: The term "parking" shall mean the temporary, transient storage of private passenger automobiles used for personal transportation while their operators are engaged in other activities. It shall not include storage of new or used cars for sale, service, rental, or other purpose other than specified above. "Parking" as defined herein shall apply only to open air storage of automobiles. (Highlands County)

Parking, handicap: Parking spaces designed and provided in quantities consistent with handicap requirements.

Parking lot: An open area used exclusively for the storage of motor vehicles, whether or not a fee is charged.

Parking space, off-street: For the purpose of this code, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but located totally outside of any street or alley right-of-way. Size shall conform to specifications in this code and may be divided into spaces for standard size vehicles and compact cars. (See: Supplemental regulations.)

Pavement: A paved travel way, normally including an asphalt or concrete surface designed to carry the anticipated traffic for a specified design period. (Highlands County)

Permanent control point (PCP): A secondary horizontal control monument consisting of a metal marker with the point of reference marked thereon or a four-inch by four-inch concrete monument a minimum of twenty-four (24) inches long, with the point of reference marked thereon. PCP's shall bear the registration number of the surveyor filing the plat of record.

Permanent reference monument: A metal rod twenty-four (24) inches long, or a one and one-half-inch minimum diameter metal pipe a minimum of twenty (20) inches long, either of which shall be encased in a solid block of concrete or set in natural bedrock a minimum of six (6) inches in diameter and extending a minimum of eighteen (18) inches below the top of the monument, or a concrete monument four (4) inches by four (4) inches in diameter a

minimum of twenty-four (24) inches long, marked with the point of reference. A metal cap marked with the point of reference shall bear the registration number of the surveyor certifying the plat of record, and the letters "PRM" shall be placed in the top of the monument.

Permittee: The right-of-way user responsible for permitted maintenance or construction whether by their own forces or by contractors and subcontractors properly licensed by a municipality, the county, or by the state. (Highlands County)

Person: Any individual, group of individuals, corporation, partnership, association, or any other entity, including state and local government agencies.

Personal services: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. (Highlands County)

Pharmacy: A place where drugs and medicines are prepared and dispensed. Also see drugstore. (Highlands County)

Planning commission or planning commission/LPA: The Town of Lake Placid Local Planning Agency.

Planting: The placing on or setting into the ground of live plant material. (Highlands County)

Plat of consolidation: A subdivision action for the purpose of consolidating several parcels into a single parcel of land.

Plot: See: Lot.

Pole-attached antenna: Antennas attached to electric transmission or distribution poles, street lights, traffic signals or similar facilities. (Highlands County)

Pollution: Is the presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property. ((Highlands County)

Porch: A roofed-over space attached to the outside of an exterior wall of a building which has no enclosure other than the exterior walls of such building. Open mesh screening shall not be considered an enclosure. (Highlands County)

Potable water facilities: A system of structures designed to collect, treat, or distribute potable water, which must obtain a water use permit from a water management district and includes water wells, treatment plants, reservoirs, and distribution mains. (Highlands County)

Preliminary development approval: An action by an agency or agent of the Town of Lake Placid authorizing an applicant for a land development or land use activity to proceed with further submittals and reviews for the purpose of obtaining a final development approval. (See chapter 156 for procedures.) Preliminary development approval does not confer approval or authorization sufficient to vest any particular land use of development activity.

~~*Principal building or use:* A main use of land, as distinguished from an accessory use; the building housing the main or principal use.~~

Principal building: A building, including covered porches and attached carports, in which is conducted the principal use of the lot or parcel on which it is situated. In any residence district, any dwelling shall be deemed to be the "principal building" on the lot on which the same is situated.

Professional engineer: A duly qualified individual currently licensed to practice engineering in the State of Florida, pursuant to F.S. Ch. 471, practicing in the discipline required for the particular task as indicated in the specific section of the regulations governing transmission towers. (Highlands County)

Property line: See: Lot line.

Prosecutor means the attorney appointed by the town to present cases to the code enforcement special magistrate on behalf of the code enforcement official.

Protective covenants: A private agreement that may be recorded in the public records that restricts the use of private property.

Public facilities: Government offices or facilities, transportation systems or facilities, sewage systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, educational systems or facilities, parks and recreation systems, and public health systems or facilities. (Highlands County)

Public improvements: Those improvements required to be dedicated to the local government, including street pavements, curbs and gutters, sidewalks, alley and walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, parks, permanent reference monuments, permanent control points or any other improvement required by the town council relating to the development of land.

Public notice: See: Due public notice.

Public potable water well: Any well serving 15 or more residential households or serving a commercial or industrial property. (Highlands County)

Public recreation sites: Sites owned or leased on a long-term basis by a federal, state, regional, or local government agency for purposes of recreational use. (Highlands County)

Public services: Any administrative, entitlement, protective, maintenance, or utility service provided by Highlands County to the general public. (Highlands County)

Public utility services or facilities, essential: The construction, erection, alteration or maintenance of buildings, ways, streets, power plants, substations, water treatment plants, pumping stations, sewage disposal or pumping plants and like public service structures by a public utility or a railroad, publicly or privately owned, or by a municipal or other governmental agency, to furnish communication, electricity, gas, rail transport, communication or public water and sewage services.

Qualified: The ability, shown by license, registration, certification, etc. to perform required tasks as needed to perform certain job duties. (Highlands County)

Qualified archaeological agent: Any person, institution, firm, or association who meets the membership qualifications of the Florida Archaeological Council or the Society of Professional Archaeologists in the area of field research or cultural resources management, or as determined by the historic preservation commission. (Highlands County)

Quasi-public use: A use owned or operated by a nonprofit, religious, or eleemosynary institution and providing educational, cultural, recreational, religious, or similar types of programs. (Highlands County)

Receiving area: Parcels of land within a designated development area, which are permitted to increase density, as specified herein, and receive development rights purchased from the owners of land in a sending area. The transfer capacity of these development rights is based on the number of transferable development rights which a specified receiving area can accommodate. (Highlands County)

Recovery home: See: Community-based residential facilities.

Recreation facility: Public or private areas and facilities designed for passive or active recreational activities, including open spaces, community centers, environmental trails or centers, swimming pools, tennis courts, football/soccer/baseball fields, golf courses, boat ramps or docks without boat yard characteristics and other areas and facilities of a recreational nature, but not including such heavy equipment or machinery as is usually associated with commercial or industrial uses.

Recreational vehicle: The following types of vehicles are to be deemed recreational vehicles:

- a. *Travel trailer:* A vehicular, portable structure built on a chassis and towed; designed to be used as a temporary dwelling for travel, recreation and vacation uses; permanently identified "travel trailer" by the manufacturer on the trailer; and, when factory equipped for the road, having a body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet, but not including mobile homes as defined herein.

- b. *Pickup coach*: A structure designed to be mounted on a truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation uses.
- c. *Camping trailer*: A collapsible, temporary structure covered with a water-repellent fabric, mounted on wheels and designed for travel, recreation and vacation uses.
- d. *Auto camper*: A lightweight, collapsible unit that fits on top of an automobile and into the trunk with the cover removed, and that is designed for travel, recreation and vacation uses.
- e. *All-terrain vehicles*: Dune buggies, swamp buggies and the like shall be considered recreation vehicles, whether or not licensed as such by the state.

Relocation: The adjustment of utility facilities required by a road project or a county driveway permit, such as removing and reinstalling the facility, including necessary right-of-way on new locations, moving or rearranging existing facilities or changing the type of facility, including any necessary safety and protective measures; it shall also mean constructing a replacement facility when necessary for continuous operation of the utility service, the project economy, or a sequence of road construction or maintenance operations. (Highlands County)

Relocation housing: Those dwellings which are made available to families displaced by public programs, provided that such dwellings are decent, safe and sanitary and within the financial means of the families or individuals displaced. (Highlands County)

Repeat violation means a violation of a provision of town code by a person who has previously, within five (5) years prior to the violation, notwithstanding the violations occurring in different locations:

- (1) Paid a civil penalty for a violation of the same provision, or
- (2) Been found by the code enforcement special magistrate or any other quasi-judicial or judicial process to have violated or who has admitted violating the same provision.

Residential treatment facility: See: Community-based residential facilities.

Residential uses: Activities within land areas used predominantly for housing. (Highlands County)

Respondent means a person who has been charged with a violation of Town Code which the code enforcement special magistrate has jurisdiction to enforce.

Restaurant: See: Eating and drinking establishments.

Restoration (historic structures): Modifications, changes, or repair of an historic structure in compliance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines

for Rehabilitating Historic Buildings, as incorporated into the All Florida Building Code. (Highlands County)

Restoration (land): The recontouring and revegetation of lands in a manner, consistent with the criteria and standards established in Chapter 16C-16, Florida Administrative Code, which will return the type, nature, and function of the ecosystem to the condition in existence prior to mining operations. In requiring restoration of an area, the county engineer shall recognize technological limitations and economic considerations. Restoration shall be required only for phosphate mining operations. (Highlands County)

Resubdivision: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map, any area reserved thereon for public use, any lot line, or any map or plan legally recorded prior to the adoption of any regulations controlling the subdivision.

Right-of-way: Land dedicated, deeded, used or to be used for a street, alley, walkway, drainage facility, access for ingress and egress or other purpose by the public, by individuals or by governmental bodies.

Right-of-way: Land which has been obtained by the state, a county, or a municipality by dedication, prescription, recorded plat, deed, or easement for a transportation or utility use. Right-of-way includes county maintained and non-county maintained right-of-way, private right-of-way, federal right-of-way, state right-of-way, municipal right-of-way and transmission line right-of-way. (Highlands County)

Roadway functional classification: The assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads, which may be sub-categorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories. (Highlands County)

Roof: The exterior upper covering of a structure or trailer. (Highlands County)

Routine maintenance: The every day maintenance of one's facilities. ((Highlands County)

Rowhouse: See: Townhouse.

Salvage yard: Any area, lot, land, parcel, building, or structure or part thereof, where waste products are utilized and something is extracted (as from rubbish) as valuable or useful. (Highlands County)

Sanitary landfill, garbage: Addition or deposit of any garbage or organic matter upon or within any lot or parcel as regulated by the Florida Department of Environmental Regulation.

Sanitary landfill, non-garbage: Addition or deposit of any dry trash, refuse or solid waste material, upon or within any lot or parcel. Allowed materials shall include tree, shrub and

grass cuttings, metal items, construction materials, natural vegetation materials from land clearing and other similar items as regulated by the Florida Department of Environmental Regulation.

Sanitary wastewater facilities: Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants and disposal systems. (Highlands County)

School: Pursuant to F.S. § 1003.01(2), a school is an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or high school, or other public school level authorized under rules of the state board of education (Highlands County)

School capacity: The demand that can be accommodated by a school facility at the adopted level of service, as determined by the school district. Any school capacity remaining after subtracting the current number of students enrolled in existing school facilities, student stations that are reserved by a finding of available school capacity, and student stations that are reserved for exempt developments is considered available. (Highlands County)

School concurrency: Pursuant to F.S. § 163.3180(13)(e), to achieve and maintain the adopted levels of service for school capacity where adequate school facilities will be in place or under actual construction within three years of approval of a proposed development. ((Highlands County)

School district: The School District of Highlands County, Florida. (Highlands County)

School facilities: Permanent public school buildings provided by the school district, as defined by the most current edition of the Florida Inventory of School Houses (FISH), published by the Florida Department of Education, or a charter school approved by the school district as school capacity, or land for a school facility. A school facility is considered existing if it is constructed and operational. A school facility is considered planned if it is listed in the school district five-year district facilities work program as being in place or under actual construction within three years. (Highlands County)

School, parochial: A school supported and controlled by a church or religious organization. See school, private. (Highlands County)

School, private: Pursuant to F.S. § 1002.01(2), a private school is a nonpublic school defined as an individual, association, co-partnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of F.S. § 1003.01(13), or that gives pre-employment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except

those licensed under the provisions of F.S. Ch. 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with F.S. § 1002.41. Any building or group of buildings the use of which is a school but is not a public school and provides elementary, secondary, or higher education and which use does not secure the major part of its funding from any governmental agency. (Highlands County)

School, public: A public school is a school funded and operated by the School Board of Highlands County, Florida. (Highlands County)

School, vocational: A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility. (Ord. No. 08-09-54 § 2) (Highlands County)

Screen room: A structure consisting of a rigid frame made of wood, aluminum, steel, block, brick or other support material, a roof and exterior walls. The frame shall constitute no more than 30 percent of the area of any wall, and except for the exterior walls of a utility building under the same roof, at least 70 percent of the area of each wall, including doors, shall consist of wire or plastic screening mesh. No glass, vinyl or other covering shall be allowed. Interior blinds shall be allowed. (Highlands County)

Screening: Shall mean either of the following:

- a. A strip of land at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting of a type that will form a year-round dense screen at least six (6) feet [in] height.
- b. A combination of an opaque wall or barrier or uniformly painted fence no more than three (3) feet high and the materials listed in paragraph a., which, together form a year-round dense screen at least six (6) feet high.

Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews or space for loose chairs.

Sending area: An area containing the land based resource which the TDR program is designed to protect, as specified in Article 13, and from which development rights are transferred pursuant to provisions of Division 3 (Transfer of Development Rights Options) of Article 13 (Other Administrative Procedures). (Highlands County)

Services: The programs and employees determined necessary by local government to provide adequate operation and maintenance of public facilities and infrastructure as well as those educational, health care, social and other programs necessary to support the programs, public facilities, and infrastructure set out in the local plan or required by local, state, or federal law. (Highlands County)

Service station, automotive: See: Automobile service station.

Sewage system: All of the equipment and property involved in the operation of a central sanitary sewer utility, including waste water lines and appurtenances, pumping stations, treatment works, disposal facilities and general property necessary for the operation of such a utility, which shall be fully installed, operable and providing service in compliance with applicable Florida laws and regulations.

Shall: Is mandatory. A mandatory condition. (Highlands County)

Shopping center: A group of retail stores or service establishments, planned, developed, owned or managed as an integral unit, with off-street parking provided on the property, and related in location, size and type of shops to the trade area which the unit serves.

Shoreline or shore: The interface of land and water and, as used in the coastal management element requirements, is limited to oceanic and estuarine interfaces. (Highlands County)

Should: An advisory condition. Where "should" is used, it is considered to denote permissive usage. (Highlands County)

Sight distance triangle: An area kept clear for the purpose of enabling vehicles and pedestrians at an intersection of roads to see vehicles or pedestrians approaching the intersection on other roads. The area is within the limits described by the two (2) intersecting right-of-way lines of a street or road and a line drawn between them from points on each right-of-way line that are a prescribed number of feet from the intersection of the centerlines.

Sign: Any structure, device or part thereof, whether or not attached thereto or painted or represented thereon, or any thing or material, illuminated or otherwise, which displays or includes any device, word, numeral, letter, model, banner, emblem, insignia, trademark or other representation used as or in the nature of an announcement, advertisement, direction or designation of an enterprise or industry, which is located upon any land, on any building or in or upon a window; or any such item located indoors in such a manner as to attract attention from outside the building. (See: Supplemental regulations.)

Single-family or one-family: Designed for and occupied by only one family. (Highlands County)

Special exception: See Conditional use. These terms are to be used synonymously. Where these terms appear separately, one shall include the other.

Special exception: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, prosperity or general welfare. Such uses are permitted in such zoning district as special exceptions where specific provisions for such exception is made in this chapter. (Highlands County)

Standard industrial classification (SIC): A system for classifying business establishments by the type of activity they are engaged in. The classification system is reported in the Standard Industrial Classification Manual (1972) by the Executive Office of the President, U.S. Office of Management and Budget.

Start of construction: The first placement of permanent construction of a structure (not a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. For mobile homes, "start of construction" means the affixing of the mobile home to its permanent site.

Start of construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. (Highlands County)

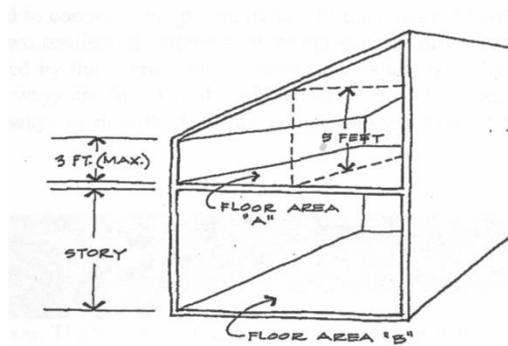
Storage, outdoor or outdoor storage: The keeping of any goods, junk, material, merchandise, or vehicles in a place, other than an enclosed structure, for more than 24 hours. (Highlands County)

Stormwater: The flow of water which results from a rainfall event. (Highlands County)

Stormwater management system: The designed features of an improvement to property which collect, channel, hold, store, inhibit or divert the movement of stormwater to meet the requirements of Chapter 17-25 of the Florida Administrative Code and this code.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it.

Story, half: A space under a sloping roof that has the line of intersection of the roof and wall face not more than three feet above the floor level and in which space the possible floor area with head room of five feet or less occupies at least 40 percent of the total floor area of the story directly beneath. (Highlands County)



If floor area "A" is at least 40 percent of floor area "B", then "A" is a half story.

Diagram for definition "Story, half"

~~*Street:* Any public or private thoroughfare which affords an access way to abutting property such as a street, road, lane, highway, avenue, alley, parkway, circle, court, terrace or cul-de-sac, including all means of ingress or egress regardless of the term used to describe it; and all of the land lying between the right-of-way lines as delineated on a plat or plan showing such streets, whether improved or unimproved, but not including access ways intended only for limited utility purposes.~~

- ~~a. *Public:* Legally dedicated to public use and officially accepted by the local government.~~
- ~~b. *Private:* Privately owned and maintained on a recorded easement, site plan or plat approved by the town council.~~
- ~~c. *Arterial:* A street designed or utilized primarily for high speed vehicular movements and heavy volumes of traffic, assimilating traffic from collector and local streets.~~
- ~~d. *Collector:* Any road serving as the connecting link between local roads and arterial roads or serving as a substantial link between separated local roads within a subdivision or other development. A major collector street carries medium volumes of traffic collected largely from minor collector and local streets and delivers the traffic to arterial streets. A minor collector street carries relatively light volumes of traffic primarily from local streets to major collector streets.~~
- ~~e. *Local:* Any street primarily serving adjacent property owners and residents as the initial access to the highway system, characterized by short trips, low speeds and light traffic volumes.~~

Street: A public or private accessway sixteen (16) feet or more in width, dedicated or otherwise having legal sanction for unlimited public use; includes the terms "road," "avenue," "lane," "boulevard," "thoroughfare," "highway," "place," "way," "drive," "terrace" or other.

Street right-of-way: The dividing line between a lot, tract or parcel of land and the abutting street right-of-way. The right-of-way line shall be considered a property line, and all front setback

lines and requirements provided in these regulations shall be measured from the street right-of-way line.

Structure: Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently and also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, a gas or liquid storage tank and advertising signs, unless exempt by state or federal law. Structure also includes anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. (Highlands County)

Structure, enclosed or enclosed structure: Any structure having a roof and four solid walls extending from the roof to the floor, which is intended for shelter, housing, or enclosure of any person, animal, process, equipment, goods, or materials of any kind. An enclosure having a tarp, canopy, screen, and similar material for a roof or wall shall not be considered to be an enclosed structure. (Highlands County)

Structure-mounted facility: A wireless communications facility, the antennas for which are attached to an existing structure or building. The facility includes all support facilities regardless of where such facilities are located with respect to the antennas. (Highlands County)

Subdivision: The division or redivision of a lot, tract, or parcel of land into three (3) or more lots, plats, sites, or other divisions of land, any one of which is less than ten (10) acres in area, except when the division results from an inheritance of a deed of gift, the term includes any resubdivision of land and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided for the purpose of separating the ownership of such lot or parcel and/or for the separate development of different portions of the lot, as regulated under chapter 155 of this code. Subdivision also means the act of redefining boundaries of existing lots or parcels, as well as the act of consolidating existing lots or parcels. When appropriate to the context (as a noun), subdivision means the development created pursuant to the recording of a subdivision plan or plat. The term is intended to include a subdivision of land regardless of the form taken by the subdivision. The term includes any plan for development of more than four (4) residential or other dwelling units on any lot or lots, tract or tracts, parcel or parcels of land regardless of size. In addition, the term includes condominiums, planned unit developments, mobile home parks, campgrounds, vehicle recreation parks, or any similar use.

Support facilities: Any on-site or off-site building, cabinet or equipment enclosure which houses the electronics, backup power, power generators and other freestanding equipment associated with the operation of a wireless communications facility. (Highlands County)

Survey, certified: See: Certified survey.

Swimming pool: Any constructed pool used for swimming or bathing having a depth exceeding twenty-four (24) inches or a surface area exceeding two hundred fifty (250) square feet. (See: Supplemental regulations.)

Theater: An establishment offering dramatic presentations or showing motion pictures to the general public.

Tourist home: See: Boarding house, rooming house, lodging house or dormitory.

Tourist home: A building or part thereof, other than a motel or hotel, where sleeping accommodations are provided for transient guests, with or without meals, and which also serves as a residence of the operator. (Highlands County)

Towers: See transmission tower or tower, lattice towers, guyed towers, or monopole towers and ground-mounted tower and alternative tower structure. (Highlands County)

Town means the Town of Lake Placid, Florida

Town code means the codes and ordinances enacted by the Lake Placid, Florida Town Council.

Town council: The Town Council of the Town of Lake Placid, Florida, or its appointed officials. Other town constitutional officers are referred to by title. The word "town" refers to the incorporated areas of the Town of Lake Placid, Florida, and any other areas in the Town of Lake Placid subject to these regulations.

Town council means the Town Council of the Town of Lake Placid, Florida.

Townhouse: A group of two (2) or more single-family dwellings separated by a space of not more than one (1) inch. The walls or party wall separating the dwelling units of the townhouse shall extend to the roof line of the dwelling and shall have no openings therein. Each townhouse unit shall be constructed upon a separate lot and serviced with separate utilities and other facilities and shall otherwise be independent of one another. Townhouses are single-family dwelling units.

Tract: See: Lot.

Trailer (boat, horse, utility): A conveyance drawn by other motive power and used for transporting a boat, animal or general goods.

Trailer coach: See: Recreation vehicle.

Trailer, house: See: Mobile home.

Transfer of development rights (TDR) easement: An easement over real property that restricts the use of the property to agricultural, open space, or conservation use, as specified in easement. (Highlands County)

Transmission tower or tower: A structure that is designed and constructed for the purpose of supporting one or more antennas, including but not limited to, lattice towers, guyed towers, or monopole towers. (Highlands County)

Transportation disadvantaged: Those individuals who because of physical or mental disability, income status, or age are unable to transport themselves to or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities. (Highlands County)

Travel trailer: See: Recreation vehicle.

Travel trailer park or court: A park or court licensed and approved by the applicable state agency and established to carry on the business of parking travel trailers and other recreational vehicles.

Travel way: The portion of the roadway for the movements of vehicles, exclusive of shoulders and auxiliary lanes. (Highlands County)

Tree: A self-supporting wood plant having one (1) or more well-defined trunks capable of being maintained with a clear trunk and normally growing to an overall height at maturity of a minimum of fifteen (15) feet, including palms.

Truck stop: An establishment principally used for refueling and servicing trucks and tractor-trailer rigs, but which may include restaurants and snack bars and facilities for repair and maintenance of trucks and tractor-trailers.

Turf areas: Any area sodded, plugged, or seeded with a mat layer of monocotyledonous plants such as, but not limited to, Bahia, Bermuda, Centipede, Paspalum, St. Augustine, and Zoysia. (Highlands County)

Undue economic hardship: An exceptional financial burden that would amount to the taking of property without just compensation, or failure to achieve a reasonable economic return in the case of income producing property. (Highlands County)

Use: The purpose for which land or water or the structure thereon is designated to the extent covered by this code.

Used or occupied: As applied to any land or building, these terms shall also mean "intended," "arranged" or "designated to be used or occupied."

~~*Utilities:* Facilities made available to and shared by the community at large, including but not limited to community water systems, central sewage systems, electrical power distribution systems, natural gas distribution systems and telephone systems.~~

Utility: All privately, publicly or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude

products, water, steam, waste and stormwater not connected with highway drainage, and other similar commodities, including television transmission signals, publicly owned fire and police signal systems and street lighting systems, which directly serve the public or any part thereof; the term "utility" shall also mean the UAO, inclusive of wholly owned or controlled subsidiaries. (Highlands County)

Utility facilities: All privately, publicly or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste and stormwater not connected with highway drainage, and other similar commodities, including television transmission signals, publicly owned fire and police signal systems and street lighting systems, which directly serve the public or any part thereof. (Highlands County)

Utility or storage building: A storage structure that is either an accessory structure or an accessory use. (Highlands County)

Utility trailer: A utility trailer is a device on a wheel or wheels with an unloaded gross weight of less than 4,050 pounds, capable of bearing a load of whatsoever shape, size or description and capable of being towed or being made capable of being towed behind an automobile, tractor or other prime mover. (Highlands County)

Variance: A modification of the zoning regulations which allows one (1) or more district regulations to be relaxed in favor of the owner, when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the physical aspects of the real property in question and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. A variance is authorized only for the height, area or size of a structure or size of yards and open space. The establishment or expansion of a use otherwise prohibited under this code shall not be allowed by a variance, nor shall a variance be granted in violation of the provisions of subsection 153-22(8), or as to the use or residential density of a parcel. No variance shall be granted because of the presence of nonconformities in the zoning district or classification or in adjoining zoning districts or classifications.

Variance, Building Code: A building code variance is a relaxation of the terms of Article 16 of this chapter where such building code variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. (Highlands County)

Vegetative communities: Ecological communities, such as coastal strands, oak hammocks and cypress swamps, which are classified based on the presence of certain soils, vegetation and animals. (Highlands County)

Vehicular Surface Area: Any driveway, travel way, parking space, equipment display area, and any other area accessed primarily by vehicle without regard to type of construction material or surface. (Highlands County)

Vesting: A legal procedure by which Highlands County acknowledges that an individual relied on an act of government to confer specific rights to develop property for certain uses, densities, and intensities of use before the effective date of the comprehensive plan or its amendments, even though such development may be inconsistent with this plan or its amendments. (Highlands County)

Veterinary clinic or hospital: Any building or portion thereof designed or used for the veterinary care, surgical procedures or treatment of animals, but not for the sale, breeding, grooming or boarding of well animals or for pet shops.

Vinyl room: A structure consisting of a rigid frame made of wood, aluminum, steel, block, brick or other support material, a roof, exterior walls which have open areas covered by windows or panels made of or covered by vinyl material and interior walls which are not finished with wood, paneling, drywall or other material. (Highlands County)

Violator means a person who has admitted violating or been found by the code enforcement special magistrate or any other quasi-judicial or judicial process to have violated Town Code.

Water-dependent uses: Activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply. (Highlands County)

Water system: All or part of the equipment and property involved in the operation of a community water utility including, where applicable, water lines and appurtenances, pumping stations and treatment plants relating to such utility, which shall be fully installed, operable and providing service in compliance with applicable Florida laws and regulations.

Watering station: A facility for filling the water storage tanks of trailers with potable water from an approved water system pursuant to the provisions of chapter 10D-4 of the Florida Administrative Code. (Highlands County)

Wetlands: Land subject to regular inundation by water over a majority of time measured over a period of years or any land meeting the definition of wetlands found in F.S. § 403.817, as any land bearing those dominant wetland plant indicator species included in Florida Administrative Code, Chapter 17-4.

Whip antenna: A type of Antenna having a diameter of between two and six inches, and a height of not more than eight feet, which emits a signal in a 360 degree horizontal plane with a compressed vertical plane. Stick, omni-directional and pipe antennas are whip antennas. (Highlands County)

Wildland Urban Interface: The line, area or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels. (Highlands County)

Wireless communication services: Any personal wireless services as defined in the Federal Telecommunications Act of 1996, including but not limited to, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed. (Highlands County)

Wireless communications facility: A facility that sends and/or receives radio frequency signals, including towers, antenna(s), associated support facilities, and accessory structures. (Highlands County)

Written or in writing: The terms "written" or "in writing" shall be construed to include any representation of words, letters, or diagrams or figures, whether by printing or otherwise.

Xeric uplands: Those areas containing both the soils listed below and the plant species listed below. Xeric uplands are those areas that are dry or relatively dry sites which contain a unique assembly of plants not found in any other Ecosystems (the unique suite of plants and which are endemic to central Florida) and contains the appropriate soil, as identified by the following soils: Paola Sand 0 to 8 percent slope (map symbol 1), St. Lucie Sand 0 to 8 percent slope (map symbol 2), Duettee Sand 0 to 5 percent slope (map symbol 4), Daytona Sand 0 to 5 percent slopes (map symbol 5), Tavares Sand 0 to 5 slope (map symbol 6), Astatula Sand 0 to 8 percent slopes (map symbol 9), Orsino Sand (map symbol 11), Satellite Sand (map symbol 14), Archbold Sand 0 to 5 percent slopes (map symbol 28), Tavares-Basinger-Sanabel Complex Rolling (map symbol 34), Pomello Sand 0 to 5 percent slopes (map symbol 36), Astatula-Urban Land Complex 0 to 8 percent slopes (map symbol 42), Satellite-Basinger-Urban Land Complex (map symbol 44), Paola-Basinger Sands Rolling (map symbol 45). Those plants included in these areas are listed but not limited to the following species (found on pages 55 and 56 of "Notes on Plants Endemic to Florida Scrub"):

<u>Scientific Name</u>	<u>Common Name</u>	<u>(family)</u>
<u>Ziziphus celata</u>	<u>Florida jujube</u>	<u>(Rhamnaceae)</u>
<u>Lupinus westianus var. ardorum</u>	<u>Scrub lupine</u>	<u>(Fabaceae)</u>
<u>Dicerandra christmanii</u>	<u>Yellow scrub balm</u>	<u>(Lamiaceae)</u>
<u>Chrysopsis floridana</u>	<u>Florida golden aster</u>	<u>(Asteraceae)</u>
<u>Crotalaria sp. nov.</u>	<u>Avon Park Crotalaria</u>	<u>(Fabaceae)</u>
<u>Dicerandra cornutissima</u>	<u>Long-spurred scrub palm</u>	<u>(Lamiaceae)</u>
<u>Dicerandra immaculata</u>	<u>Lakela's mint</u>	<u>(Lamiaceae)</u>
<u>Dicerandra frutescens</u>	<u>Scrub balm</u>	<u>(Lamiaceae)</u>
<u>Eryngium cuneifolium</u>	<u>Wedge-leaved button-snakeroot</u>	<u>(Apiaceae)</u>
<u>Polygala lewtonii</u>	<u>Lewton's polygala</u>	<u>(Polygalaceae)</u>
<u>Conradina brevifolia</u>	<u>Short-leaved rosemary</u>	<u>(Lamiaceae)</u>
<u>Warea carteri</u>	<u>Carter's warea</u>	<u>(Brassicaceae)</u>
<u>Eriogonum longifolium var.</u>	<u>Scrub buckwheat</u>	<u>(Polygonaceae)</u>
		<u>gnaphalifolium</u>
<u>Calamintha ashei</u>	<u>Ashe's savory</u>	<u>(Lamiaceae)</u>
<u>Chionanthus pygmaeus</u>	<u>Pygmy fringe-tree</u>	<u>(Oleaceae)</u>

<u>Asimina tetramera</u>	<u>Four-petaled pawpaw</u>	<u>(Annonaceae)</u>
<u>Hypericum cumulicola</u>	<u>Highlands scrub hypericum</u>	<u>(Clusiaceae)</u>
<u>Bonamia grandiflora</u>	<u>Scrub morning glory</u>	<u>(Convolvulaceae)</u>
<u>Liatris ohlingerae</u>	<u>Scrub blazing-star</u>	<u>(Asteraceae)</u>
<u>Polygonella myriophylla</u>	<u>Sand-lace</u>	<u>(Polygonaceae)</u>
<u>Polygonella basiramia</u>	<u>Hairy jointweed</u>	<u>(Polygonaceae)</u>
<u>Paronychia chartacea</u>	<u>Papery whitlow-wort</u>	<u>(Caryophyllaceae)</u>
<u>Conradina grandiflora</u>	<u>Large-flowered rosemary</u>	<u>(Lamiaceae)</u>
<u>Schizachyrium niveum</u>	<u>Riparian autumngrass</u>	<u>(Poaceae)</u>
<u>Prunus geniculata</u>	<u>Scrub plum</u>	<u>(Rosaceae)</u>
<u>Lechea cernua</u>	<u>Nodding pinweed</u>	<u>(Cistaceae)</u>
<u>Nolina brittoniana</u>	<u>Scrub beargrass</u>	<u>(Nolinaceae)</u>
<u>Clitoria fragrans</u>	<u>Pigeon-wing</u>	<u>(Fabaceae)</u>
<u>Persea humilus¹</u>	<u>Silk bay</u>	<u>(Lauraceae)</u>
<u>Pinus clausa</u>	<u>Sand pine</u>	<u>(Pinaceae)</u>
<u>Carya floridana</u>	<u>Scrub hickory</u>	<u>(Juglandaceae)</u>
<u>Ceratiola ericoides</u>	<u>Florida rosemary</u>	<u>(Empetraceae)</u>
<u>Asclepias curtissii</u>	<u>Scrub milkweed</u>	<u>(Asteraceae)</u>
<u>Garberia heterophylla</u>	<u>Garberia</u>	<u>(Asteraceae)</u>
<u>Sabal etonia</u>	<u>Scrub palmetto</u>	<u>(Arecaceae)</u>
<u>Ilex opaca var. arenicola</u>	<u>Scrub holly</u>	<u>(Aquifoliaceae)</u>
<u>Osmanthus magacarpus</u>	<u>Scrub wild-olive</u>	<u>(Oleaceae)</u>
<u>Quercus inopina</u>	<u>Scrub oak</u>	<u>(Fagaceae)</u>
<u>Sisyrinchium xerophyllum</u>	<u>Scrub blue-eyed grass</u>	<u>(Iridaceae)</u>
<u>•Bumelia tenax "lacuum entity"</u>	<u>Scrub buckthorn</u>	<u>(Sapotaceae)</u>

¹Taxon that sometimes is treated as a variety of *Persea borbonia* (L.) Spreng. (e.g., Little, 1979), but here is considered to be specifically distinct because of significant differences from *Persea borbonia* in density and length of appressed ferrugineous hairs on its abaxial leaf surfaces and in flavonoid complement (see Wofford, 1973). (Highlands County)

Yard: An open space at grade between main building and the adjoining lot lines. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard.

Yard: An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky and measured from the foundation line to the nearest front, side or rear property lines, except as may be specifically permitted.

a. Front yard: The yard extending across the entire width of the lot between the front lot line and the building line.

b. Rear yard: The yard extending across the entire width of the lot between the rear lot line and the rear building line of the principal building.

c. Side yard: A yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the side building line of the principal building.

~~Yard, front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the principal building or any projections thereof, other than the projections of uncovered steps, uncovered balconies or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension. For any lot adjacent to a body of water, as defined in section 156 16(3), the "front yard" shall be considered as the yard extending across that part of the lot between the side lot lines which is adjacent to the body of water and is the minimum horizontal distance between the body of water and the principal building or any projection thereof.~~

~~Yard, rear: A yard extending across the rear of a lot between the rear of the principal building or any projections thereof, other than the projections of uncovered steps, balconies or porches. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.~~

~~Yard, side: A yard between the main building and the side line of the lot, extending from the front yard to the rear yard and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.~~

~~Year: The word "year" shall mean a calendar period of twelve (12) consecutive months, and may mean (subject to the context) a calendar year or a fiscal year.~~

~~Zoning department: The Town of Lake Placid Building and Zoning Official. Where reference in this code is made to the building official, the building and zoning official or the zoning official, such reference shall mean the Town of Lake Placid Building and Zoning Official, who is appointed by the town council to enforce this code and all other land development regulations and to supervise the Town of Lake Placid Zoning Department, or the agent or representative of said official.~~

SECTION 5. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or divisions of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance.

SECTION 6. INCLUSION IN THE CODE. When the text of this Ordinance is published for inclusion in the Lake Placid, Florida Code of Ordinances, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined, double underlined, or highlighted shall be amended so that the text of the Code shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made.

SECTION 7. CODE REVISIONS. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Administrator or his or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

SECTION 8. CONFLICT. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective on January 1, 2017.

ADOPTED AND ORDAINED during a regular meeting of the Lake Placid Town Council held this ____ day of _____, 2016.

TOWN OF LAKE PLACID,
a Florida municipal corporation

By: _____
John M. Holbrook, Mayor

Attest: _____
Eva Cooper Hapeman, Town Clerk

THIS ORDINANCE WAS READ in full or by title on at least two (2) separate days in two (2) Town Council meetings (on the ____ day of August, 2016 and on the ____ day of September, 2016). Notice of the proposed enactment containing the Ordinance title, stating that a copy may be obtained at Town Hall, and stating that adoption and advising that interested parties may appear at the meeting and be heard with respect to the proposed ordinance was published in Highlands Today on the 10th of July, 2016 and the ____ day of August, 2016 being at least thirty (30) days prior to adoption.

Eva Cooper Hapeman, Town Clerk

ORDINANCE 2016-722
(Amending Chapter 153–
Administration of Code)

Ordinance 2016-722

CHAPTER 153–ADMINISTRATION OF CODE

Summary of Amendments

SECTION

PROPOSED CHANGE

ARTICLE I. GENERAL PROVISIONS

**Section 153-1. –
Scope of Chapter.**

No amendments proposed. *(Pages 2-3 of Ordinance 2016-722)*

**Section 153-2. –
Standards for Due Public Notice
and Hearings.**

Amendments proposed consistent with changes on Florida Statutes.
(Pages 2-17 of Ordinance 2016-722)

**Section 153-3. –
Time Limits, Scheduling and
Continuation of Hearings.**

Clarification of continuation of public hearings.
LPA to Local Planning Agency *(Page 17 of Ordinance 2016-722)*

**Section 153-4. –
Recover of Costs of Administrative
Review and Processing:
(1) Rezoning Requests,
(2) Site Plan Review
(including Architectural Design
Review) beyond Single-Family,
(3) Small-Scale and Large Scale
Future Land Use Map (FLUM)
Amendments,
(4) Comprehensive Plan Text
Amendments, and
(5) Preliminary and Final Plats.**

No amendments proposed. *(Pages 18-20 of Ordinance 2016-722)*

**Section 153-5.
to Section 153.9 – Reserved.**

New Sections proposed.

Section 153-5. – Highlands County Code of Ordinances, Land Development Regulations and Plat Recording (provided to cross reference Bullard Ordinance)

Section 153-6. – Annexation (provided consistent with the recommendations of the Growth Management Committee).

Section 153-7. – Expedited Application Review and Approval (provides coordinated and expedited review for applications within the Lake Placid Regional Plan).

Section 153-8. – Intergovernmental Coordination for Applications within Unincorporated Highlands County and Areas within the Town within 300’ of the County.
(Pages 20-25 of Ordinance 2016-722)

ARTICLE II. ADMINISTRATIVE POWERS AND DUTIES

Section 153-10. – Town Council. No amendments proposed. *(Pages 25-26 of Ordinance 2016 - 722)*

Section 153-11. – Planning and Zoning Official. Removed LPA acronym
Referenced Section 155-13.(3) regarding plats, site plans.
Updated reference of Department of Community Affairs to Department of Economic Opportunity
(Pages 26-28 of Ordinance 2016-722)

Section 153-12. – Local Planning Agency. Removed LPA acronym *(Pages 28-29 of Ordinance 2016-722)*

Section 153-13. – Board of Adjustment. No amendments proposed. *(Page 30 of Ordinance 2016-722)*

Section 153-14. to Section 153.19 – Reserved. No amendments proposed. *(Page 30 of Ordinance 2016-722)*

ARTICLE III. ADMINISTRATIVE PROCEDURES

Section 153-20. – Application for Change of Zoning Classification. Removed LPA acronym. *(Pages 30-32 of Ordinance 2016-722)*

Section 153-21. – Application for Conditional Use and Special Exception. Removed LPA acronym. *(Pages 32-34 of Ordinance 2016-722)*

Section 153-22. – Application for Variance. No amendments proposed. *(Pages 34-36 of Ordinance 2016-722)*

Section 153-23. – Administrative Appeals to Board of Adjustment. No amendments proposed. *(Page 36 of Ordinance 2016-722)*

ORDINANCE NO. 2016 -722

AN ORDINANCE OF THE TOWN OF LAKE PLACID, FLORIDA, AMENDING THE TOWN'S LAND DEVELOPMENT CODE TO IMPLEMENT THE LAKE PLACID REGIONAL PLAN; AMENDING CHAPTER 153-ADMINISTRATION OF CODE; AMENDING ARTICLE I-GENERAL PROVISIONS; AMENDING SECTION 153-1.-SCOPE OF CHAPTER; AMENDING SECTION 153-2.-STANDARDS FOR DUE PUBLIC NOTICE AND HEARINGS; AMENDING SECTION 153-3.-TIME LIMITS, SCHEDULING AND CONTINUATION OF HEARINGS; AMENDING SECTION 153-4.-RECOVERY OF COSTS OF ADMINISTRATIVE REVIEW AND PROCESSING: (1) REZONING REQUESTS, (2) SITE PLAN REVIEW (INCLUDING ARCHITECTURAL DESIGN REVIEW) BEYOND SINGLE-FAMILY, (3) SMALL-SCALE AND LARGE-SCALE FUTURE LAND USE MAP (FLUM) AMENDMENTS, (4) COMPREHENSIVE PLAN TEXT AMENDMENTS, AND (5) PRELIMINARY AND FINAL PLATS; AMENDING SECTION 153-5.-RESERVED TO SECTION 153-9.-RESERVED; AMENDING ARTICLE II.-ADMINISTRATIVE POWERS AND DUTIES; AMENDING SECTION 153-10.-TOWN COUNCIL; AMENDING SECTION 153-11.-PLANNING AND ZONING OFFICIAL; AMENDING SECTION 153-12.-LOCAL PLANNING AGENCY; AMENDING SECTION 153-13.-BOARD OF ADJUSTMENT; AMENDING SECTION 153-14.-RESERVED TO SECTION 153-19.-RESERVED; AMENDING ARTICLE III.-ADMINISTRATIVE PROCEDURES; AMENDING SECTION 153-20.-APPLICATION FOR CHANGE OF ZONING CLASSIFICATION; AMENDING SECTION 153-21.-APPLICATION FOR CONDITIONAL USE AND SPECIAL EXCEPTION; AMENDING SECTION 153-22.-APPLICATION FOR VARIANCE; AMENDING SECTION 153-23.-ADMINISTRATIVE APPEALS TO BOARD OF ADJUSTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN

CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Lake Placid, Florida desires to amend the Town Code; and

WHEREAS, the Town Council, Local Planning Agency and Growth Management Committee approved the Report of the Lake Placid Area Growth Management Committee on May 29, 2007; and

WHEREAS, the Town Council adopted the “Town of Lake Placid 2030 Comprehensive Plan” on January 14, 2013, of which Objective 6 was added to the Future Land Use Element which includes policies specific to the Lake Placid Regional Plan; and

WHEREAS, amendments to the Town’s Code are required to implement recommendations from the Growth Management Committee and the policies adopted in the Future Land Use Element of the “Town of Lake Placid 2030 Comprehensive Plan”; and

WHEREAS, amendments to the Town’s Code are provided which remove inconsistencies and update references to Florida Statutes; and

WHEREAS, notice of this proposed Ordinance was published at least thirty (30) days prior to adoption in a newspaper of general circulation in the Town of Lake Placid; and

WHEREAS, the Lake Placid Local Planning Agency held a public hearing on said amendments on:

The ____ day of _____, 2016; and

WHEREAS, two public hearings were held by the Town Council on said Ordinance on:

The ____ day of _____, 2016; and

The ____ day of _____, 2016; and

WHEREAS, it appears in the best interest of the Town of Lake Placid that the Ordinance be adopted; and

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LAKE PLACID, FLORIDA:

SECTION 1. § 153-1. - SCOPE OF CHAPTER.

(a) The provisions of this code shall be administered in accordance with the rules set forth in this chapter and the detailed regulations within other applicable chapters.

(b) Administrative procedures and standards unique to the subdivision approval process are found in chapter 155.

(c) This chapter sets out the administrative provisions applicable to the general enforcement of this code. The powers and duties of the officials and agencies charged with enforcing the code are explained; however, nothing contained in this chapter shall be deemed to restrict the powers of said agencies and officials otherwise available under other local legislation and applicable state and federal law.

(d) All necessary administrative procedures for the matters governed by this chapter are set forth herein, including those regarding the general relationship of various departments, administrative agencies and governmental bodies; the method for public participation in the decision-making process; remedies for applicants; fees; and the filing or recording of documents and similar matters. The procedures to appeal to the courts any ruling or decision under this code have also been provided.

(Ord. No. 05-467, § 1, 7-11-05)

SECTION 2. § 153-2. - STANDARDS FOR DUE PUBLIC NOTICE AND HEARINGS OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

- (a) *In general.* There are a number of provisions in this code and in state land development legislation requiring that due public notice be given of the time, date, place, purpose and outcome of the hearing being held before a governmental commission or board to review and take action on a particular matter concerning land development. It is the purpose of this section to collect in one (1) place for easy reference a number of the provisions for such notice applicable to various land development issues governed by this code. Accordingly, when the phrase "due public notice" is used in this code in connection with the requirement for a public hearing on the matters listed below, it shall have the meaning set forth in the following subsections.
- ~~(b) *Notice of rezoning less than ten (10) contiguous acres.* After any proposal to rezone less than ten (10) contiguous acres in the town has been referred to the planning commission/LPA for its review and recommendation in accordance with this code, the planning commission/LPA and the town council shall each hold at least one (1) advertised public hearing on the proposal. Due public notice of the hearings shall be published as follows:~~
- ~~(1) The town clerk shall advertise the time, date, place, and purpose of said hearings at least once in a newspaper of general circulation in the Town of Lake Placid, Florida, with the publication to be at least thirty (30) days prior to the public hearing by the town council, and at least fifteen (15) days prior to the public hearing by the LPA. The advertisement shall describe the property by reference to major streets or roads or other significant landmarks and by township, range and section numbers, and shall state the current and proposed zoning classifications of the property.~~
- ~~(2) In addition, a notice setting forth the time, date, place and purpose of such hearings shall be mailed to the owners of the property involved in or directly affected by the hearing or whose land is within three hundred (300) feet of the boundary line of any lands proposed for rezoning to a residential use or within three hundred (300) feet of the boundary lines of any lands proposed for rezoning to a commercial use.~~

- ~~(3) Notices containing the information published in the newspaper advertisement shall be maintained at the office of the clerk, and shall be posted in a conspicuous place or places in the Lake Placid Town Hall.~~
- ~~(4) A sign shall be posted conspicuously on every property that is the subject of a public hearing. The sign shall contain the time, date, place, and office to contact for further information for the public hearing, and shall state the action being considered. Signs shall be placed one (1) every three hundred (300) feet along all public road frontages, with a minimum of one (1) sign along any one (1) frontage.~~
- ~~(5) Small scale development amendments require only one (1) public hearing before the town council, which shall be an adoption hearing.~~
- (b) Due Public Notice. No change in future land use classification or designation, zoning classification or designation, variance, special exception, plan amendment, or amendment to this Code, may be considered by the local planning agency or Board of Adjustment or the Town Council until due public notice has been given of a public hearing; and, all changes, except special exceptions and variances, are made by ordinance. Public Hearings for Comprehensive Plan amendments are regulated under Section 153-2.(k). An emergency ordinance or a resolution may not be used to make Comprehensive Plan amendment changes, nor establish or amend the actual zoning map designation of a parcel or parcels of land or that changes the actual list of permitted, conditional, or prohibited uses within a zoning category. Specific regulations pursuant to Chapter 166.041, F.S., are listed below.
- (c) All ordinances acted on by the Town must be read on two separate days and shall, at least 10 days before adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
- (d) Notice of local planning agency public hearings shall be given at least ten (10) days in advance of the meeting and public hearing. Additionally, notice of the public hearings shall be maintained at the office of the clerk to be made available for public inspection during regular business hours and posted at Town Hall at least ten (10) days prior to the public hearing.
- (e) For each Future Land Use Map amendment, zoning, special exception or variance application to be considered at a public hearing, a notice shall be mailed to all property owners of record within a radius of 300 feet of the affected property, provided, however, that failure to receive such notice shall not invalidate any action or proceedings taken at the public hearing. A sign stating the date and location of the hearing and the type of request for Future Land Use Map amendment, zoning, variance, or special exception being considered shall be posted on the affected property at least seven (7) days prior to

the hearing in a conspicuous location. Signs shall be placed one (1) every 300 feet along all public road frontages, with a minimum of one (1) sign along any one (1) frontage.

- (f) *Proof of notice.* Proof by affidavit of the required publication, mailing and posting of the notices required in this section shall be presented at the public hearing prior to the taking of any action on the application in question.
- (g) *Other Local Government Notification.* When a proposed Future Land Use Map amendment, zoning action, variance, or Special Exception lies within 300 feet of the jurisdiction of another local government, the local planning agency or local governing body of that local government shall be notified, so that it may have an opportunity to send a representative to the public hearing to speak on its behalf.
- (h) *Advertisement of Public Hearings for Zoning Changes that are Petitioner Initiated – (F.S. 166.041)*
- (1) In cases in which the proposed ordinance changes the actual zoning map designation for a parcel(s) of land, public notice shall be enacted pursuant to Section 153-2.(b),(c),(d),(e), and (f).
- (i) *Advertisement of Public Hearings for Zoning Changes Involving Less than 10 Acres that are Town Initiated – (F.S. 166.041)*
- (1) *Notice By Mail:* In cases in which the Town initiated proposed ordinance changes the actual zoning map designation for a parcel(s) of land involving less than 10 contiguous acres of the total land area of the municipality, the governing body shall direct the clerk of the governing body to notify by mail each real property owner whose land will be redesignated by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. Notice shall be mailed to all property owners whose land will be affected at least 30 days prior to the date of the Town Council public hearing.
- (2) *Contents of the Notice.* The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. A copy of the notice shall be kept available for public inspection during the regular business hours of the office of the clerk.
- (3) *Public Notice.* The public notice shall be enacted pursuant to Section 153-2.(b), (c), (d), (e), and (f).
- (j) *Advertisement of Public Hearings for Zoning Changes Involving 10 Acres or More that are Town Initiated – (F.S. 166.041).*
- (1) In cases in which the Town initiated proposed ordinance changes the actual zoning

map designation for a parcel(s) of land involving 10 contiguous acres or more of the total land area of the municipality: the governing body shall hold two advertised public hearings on the proposed ordinance.

- (2) At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day, and the first hearing shall be held at least seven days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least five (5) days prior to the public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first public hearing.
- (3) The required advertisements shall be no less than two columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general circulation in the Town and of general interest and readership in the municipality.
- (4) *Advertisement Form.*

NOTICE OF (TYPE OF) CHANGE

The Town of Lake Placid proposes to adopt the following ordinance:
(title of the ordinance).

A public hearing on the ordinance will be held on (date and time) at
(meeting place).

- (5) The advertisement shall contain a geographic location map that clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.
- (6) *Mail-out May Be Done.* In lieu of publishing the advertisement as outlined above, the Town may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance.
- (7) *Public Notice.* The public notice shall be enacted pursuant to Section 153-2.(b), (c), (d), (e), and (f).

(k) Advertisement of Public Hearings for Changes to the Actual List of Permitted, Conditional, or Prohibited Uses within a Zoning Category

(1) In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, public notice shall be enacted pursuant to Section 153-2.(h), or by section 153-2(i), except a geographic location map is not required.

~~(c) *Small scale comprehensive plan amendment (less than ten (10) acres).* In cases in which a proposed small scale comprehensive plan amendment changes the actual land use designation for a parcel or parcels of land involving less than ten (10) contiguous acres; a small scale development amendment may be adopted only after the LPA has issued its recommendation on the proposed land use to the town council and under the following conditions:~~

~~(1) The proposed amendment involves a use of ten (10) acres or fewer and:~~

- ~~a. The cumulative effect of the acreage for all small scale development amendments adopted by the local government shall not exceed eighty (80) total acres annually.~~
- ~~b. The proposed amendment does not involve the same property more than once a year.~~
- ~~c. The proposed amendment does not involve the same owner's property within two hundred (200) feet of property granted a change within the prior twelve (12) months.~~
- ~~d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the town's comprehensive plan, but only proposes a land use change to the future land use map for a site specific small scale development activity.~~
- ~~e. The proposed amendment is not located within an area of critical state concern.~~
- ~~f. If the proposed amendment involves a residential land use, the residential land use has a density of ten (10) units or less per acre.~~

~~(d) *Comprehensive plan amendments (more than ten (10) acres).* In cases in which the proposed ordinance or resolution changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more, the notice for public hearing shall be as follows:~~

~~(1) *Planning commission hearing.* The planning local planning agency shall hold at least one (1) advertised public hearing on the application.~~

- ~~a. The town clerk shall advertise the time, date, place and purpose of such hearing twice in a newspaper of general circulation in the Town of Lake Placid, with the first publication to be at least fifteen (15) days prior to the date of the hearing and the second publication to be at least five (5) days prior to the hearing. The advertisement shall describe the property by reference to major streets or roads or other significant landmarks and by township, range and section number, and shall state the current and proposed classifications of the property.~~

- ~~b. In addition, except where the hearing applies to all of the land within the town, a notice setting forth the time, date, place and purpose of such hearing shall be mailed, by the office of the town clerk, to the owners of the property involved in or directly affected by the hearing or whose land is within three hundred (300) feet of the boundary line of any lands proposed for rezoning to a residential use or within three hundred (300) feet of the boundary line of any lands proposed for rezoning to a commercial use.~~
 - ~~e. Notices containing the information published in the newspaper advertisement shall be maintained at the office of the clerk, and shall be posted in a conspicuous place or places in the Lake Placid Town Hall.~~
 - ~~d. A sign shall be posted conspicuously on every property that is the subject of a public hearing. The sign shall contain the time, date, place, and office to contact for further information for the public hearing, and shall state the action being considered. Signs shall be placed one (1) every three hundred (300) feet along all public road frontages, with a minimum of one (1) sign along any one (1) frontage.~~
 - ~~e. In lieu of publishing the advertisements set out in this paragraph, the town council may mail a notice to each person owning real property within the area covered by the ordinance or resolution. Such notice shall clearly explain the proposed ordinance or resolution and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance or resolution.~~
- ~~(2) *Town council hearings.* After the/LPA has issued its recommendations on the proposed rezoning, the town council shall hold at least two (2) public hearings on the proposal on a weekday after 5:00 p.m. The first hearing shall be held approximately seven (7) days after the date the first advertisement is published as required below, and the second hearing shall be held at least ten (10) days after the first hearing and approximately five (5) days after the second advertisement is published. The notice shall be in the following form:~~
- ~~a. The advertisements shall appear in a newspaper of general circulation in the Town of Lake Placid and shall be no less than two (2) columns wide by ten (10) inches long in a standard size newspaper. The headline shall be in a type no smaller than 18 point. The advertisement shall be in a portion of the newspaper other than where legal notices and classified ads appear, and shall be in the following form:~~

~~NOTICE OF ZONING CHANGE~~

~~The Town Council of the Town of Lake Placid, Florida, proposes to rezone the land within the area shown in the map this advertisement. A public hearing on the rezoning will be held on (date and time) at (meeting place). The advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed rezoning. The map shall include major street names and other landmarks as a means of identification of the area.~~

- ~~b. In addition, except where the hearing applies to all of the land within the town, a notice setting forth the time, date, place and purpose of such hearings shall be mailed to the owners of the property involved in or directly affected by the hearing,~~

~~or whose land is within three hundred (300) feet of the boundary line of any lands proposed for rezoning to a residential use or within three hundred (300) feet of the boundary line of any lands proposed for rezoning to a commercial use.~~

~~e. Notices containing the information published in the newspaper advertisement shall be maintained at the office of the clerk, and shall be posted in a conspicuous place or places in the Lake Placid Town Hall.~~

~~(3) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment for adoption shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purpose of transmitting or adopting a comprehensive plan or plan amendment, the local government body shall hold at least two (2) advertised public hearings on the proposed comprehensive plan or plan amendment as follows:~~

~~a. The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least seven (7) days after the day that the first advertisement is published.~~

~~b. The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least five (5) days after the second advertisement is published.~~

~~c. If the proposed comprehensive plan or plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category or changes the actual future land use map designation of a parcel or parcels of land, the required advertisements shall be in the format prescribed by F.S. § 166.041(e)2.~~

(k) Statutory Requirements for Comprehensive Plan Amendments

There are three general types of Comprehensive Plan Amendments: Expedited State Review, State Coordinated Review, and Small Scale. The Expedited State Review Process is utilized for the majority of Comprehensive Plan amendments adopted by local governments. The State Coordinated Review Process is utilized for amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a comprehensive plan based on an Evaluation and Appraisal Report. The Small Scale process is utilized for amendments that qualify as small-scale development amendments.

All requests for Comprehensive Plan Amendments shall be submitted in writing to the Town Administrator, or his/her designee, together with applicable fees, which will have been established by resolution of the Town Council. Comprehensive Plan Amendments may be submitted by the Town to Department of Economic Opportunity for review according to the procedures established in Chapter 163 F.S. The following sections outline the requirements for each type of Comprehensive Plan Amendment.

(1) Expedited State Review Process (consistent with F.S. 163.3184)

The Expedited State Review Process is utilized for all Comprehensive Plan

amendments except amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, amendments that update a comprehensive plan based on an Evaluation and Appraisal Report, or amendments that qualify as small-scale development amendments.

a. *Public Notice Requirements:* All procedures for advertisement of a public hearing to adopt an ordinance must be followed as adopted by the Town and set forth in Section 153-2.(b), (c), (d), (e), and (f) above and in keeping with Florida Statutes Chapter 166. According to State Law, the following section must be adhered to:

(i) The local governing body shall hold at least two advertised public hearings, advertised per the requirements of Section 153-2.(i), on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least 7 days after the day that the first advertisement is published pursuant to the requirements of Florida Statutes Chapter 166. After the initial public hearing, the local government shall transmit the amendment and all supporting data and analysis within 10 days to the review agencies and any local governments that have filed a written request.
2. The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least 5 days after the day that the second advertisement is published pursuant to the requirements of Florida Statutes Chapter 166. The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments. If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected person that provided comments on the amendment. The 180-day limitation does not apply to Development of Regional Impact (DRI) amendments.

b. *Adoption Transmittal:* All adopted Comprehensive Plan amendments, along with the supporting data and analysis, shall be transmitted within 10 days after the second public hearing to Department of Economic Opportunity and any other agency or local government that provided timely comments. Department of Economic Opportunity shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with strike-thru/underline changes; in the case of a Future Land Use Map amendment, a color copy of the Future Land Use Map clearly depicting the parcel, its existing future

land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.

- c. Effective Date: An amendment adopted under the Expedited State Review Process does not become effective until 31 days after Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(2) State Coordinated Review Process (consistent with F.S. 163.3184)

The State Coordinated Review Process is utilized for Comprehensive Plan amendments that are in an area of critical state concern, amendments that propose a rural land stewardship area, amendments that propose a sector plan, or amendments that update a comprehensive plan based on an evaluation and appraisal report,

- a. Public Notice Requirements: All procedures for advertisement of a public hearing to adopt an ordinance must be followed as adopted by the Town and set forth in Section 153-2.(b). above and in keeping with Florida Statutes Chapter 166. According to State Law, the following section must be adhered to Section 153-2.(b), (c), (d),(e), and (f).

- i. The local governing body shall hold at least two advertised public hearings, advertised per the requirements of Section 153-2.(i), on the proposed comprehensive plan or plan amendment as follows:

1. The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least 7 days after the day that the first advertisement is published pursuant to the requirements of Florida Statutes Chapter 166. After the initial public hearing, the local government shall transmit the amendment and all supporting data and analysis within 10 days to the review agencies and any local governments that has filed a written request. The transmitted document shall clearly indicate on the cover sheet that this plan amendment is subject to the state coordinated review process.

Department of Economic Opportunity Review: If Department of Economic Opportunity elects to review an amendment, Department of Economic Opportunity shall issue a report giving its objections, recommendations, and comments regarding the proposed plan or plan amendment within 60 days after receipt of the amendment. Department of Economic Opportunity may make objections, recommendations, and comments in its report regarding whether the amendment is in compliance and whether the amendment will adversely impact important state resources and facilities.

2. The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least 5 days after the day that the second advertisement is published pursuant to the requirements of Florida Statutes Chapter 166. The local government shall hold its second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments. If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, the amendments shall be deemed withdrawn unless extended by agreement with notice to Department of Economic Opportunity and any affected person that provided comments on the amendment. The 180-day limitation does not apply to DRI amendments.
- b. *Adoption Transmittal:* All adopted Comprehensive Plan amendments, along with the supporting data and analysis, shall be transmitted within 10 days after the second public hearing to the Department of Economic Opportunity and any other agency or local government that provided timely comments. Department of Economic Opportunity shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of the adoption ordinance or ordinances; in the case of a text amendment, a full copy of the amended language in legislative format with strike-through/underline changes; in the case of a Future Land Use Map amendment, a color copy of the Future Land Use Map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and a copy of any data and analyses the local government deems appropriate.
- c. *Notice of Intent:* After Department of Economic Opportunity makes a determination of completeness regarding the adopted plan or plan amendment, Department of Economic Opportunity shall have 45 days to determine if the plan or plan amendment is in compliance. Unless the amendment is substantially changed from the one commented on, Department of Economic Opportunity's compliance determination shall be limited to objections raised in the objections, recommendations, and comments report. During the 45 days, Department of Economic Opportunity shall issue, through a senior administrator or the secretary, a notice of intent to find that the amendment is in compliance or not in compliance. Department of Economic Opportunity shall post a copy of the notice of intent on the agency's Internet website. Publication by Department of Economic Opportunity of the notice of intent on Department of Economic Opportunity's Internet site shall be prima facie evidence of compliance with the publication requirements of Florida Statutes.
- d. *Effective Date:* An amendment adopted under the State Coordinated Review Process shall go into effect pursuant to Department of Economic Opportunity's notice of intent. If timely challenged, an amendment does not become effective until Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(3) Small Scale Plan Amendments Exempt from Department of Economic Opportunity Review (consistent with F.S. 163.3184 and 163.3187)

Plan amendments that are defined as Small Scale Amendments do not have to be submitted to Department of Economic Opportunity for review. The amendment is adopted by ordinance and sent to Department of Economic Opportunity and the Central Florida Regional Planning Council. Department of Economic Opportunity will not issue a Notice of Intent for the small scale amendment.

a. *Definition.* Small Scale Plan Amendments are defined by Florida Statutes as:

- (i) Encompassing the use of 10 or fewer acres (20 acres within a Rural Area of Opportunity) of any land use category; and
- (ii) Does not include any text change to the Comprehensive Plan's goals, objectives, and policies;
- (iii) Is not located within an area of critical state concern; and
- (iv) The local government can approve the amendment without exceeding its yearly maximum of 120 acres of small scale amendments.

b. *Reviewing Board.* Proposed Small Scale Plan Amendments are heard by the local planning agency and are recommended to the Town Council by the local planning agency. Then the amendments are heard at one Public Hearing and adopted by Ordinance. The amendments become law after the waiting period for the ordinance has expired, which is 31 days after adoption.

c. *Public Notice Requirements.* The public notice shall be enacted pursuant to Section 153-2.(b), (c), (d), (e), and (f)

d. *Challenges.* Challenges will be heard by the Division of Administrative Hearings. Any affected person may file a petition with the Division of Administrative Hearings to challenge the small scale development amendment within 30 days following the local government's adoption of the amendment per Section 163.3184(5). An administrative law judge shall hold a hearing in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative law judge. The parties to a hearing held pursuant to this subsection shall be the petitioner, the local government, and any intervener. In the proceeding, the plan amendment shall be determined to be in compliance if the local government's determination that the small scale development amendment is in compliance is fairly debatable. Department of Economic Opportunity may not intervene in any proceeding initiated pursuant to this section.

If the administrative law judge recommends that the small scale development amendment be found not in compliance, the administrative law judge shall submit the recommended order to the Administration Commission for final agency action. If the administrative law judge recommends that the small scale development amendment be found in compliance, the administrative law judge shall submit the recommended order to Department of Economic Opportunity.

- (e) ~~*Notice of site plan application.* After the planning and zoning department has received for its review and recommendation, in accordance with this code, an application for site plan approval encompassing more than ten thousand (10,000) square feet of building and parking area the LPA and the town council shall each hold at least one (1) advertised public hearing on the proposal. Due public notice of hearings shall be published as follows:~~
- ~~(1) The town clerk shall advertise the time, date, place, and purpose of such hearing at least once in a newspaper of general circulation in the Town of Lake Placid, Florida, with the first publication to be at least thirty (30) days prior to the public hearing by the town council, and at least fifteen (15) days prior to the public hearing by the local planning agency. The advertisement shall describe the property by reference to major streets or roads or other significant landmarks and by township, range, and section numbers, and shall state the current and proposed zoning classification of the property.~~
 - ~~(2) In addition, at least fifteen (15) days prior to the date set for the public hearings, the office of the town clerk shall mail a notice setting forth the time, date, place, and purpose of such hearings to the applicant.~~
 - ~~(3) Notices containing the information published in the newspaper advertisement shall be maintained at the office of the clerk, and posted in a conspicuous place or places in the Lake Placid Town Hall.~~
- (f) ~~*Notice of subdivision plan and preliminary plat application.* After the local planning agency has received for its review an application for approval of a preliminary plat and subdivision plan, the local planning agency and the town council shall each hold at least one (1) advertised public hearing on the proposal. Due public notice of the hearings shall be published as follows:~~
- ~~(1) The town clerk shall advertise the time, date, place, and purpose of such hearing at least once in a newspaper of general circulation in the Town of Lake Placid, Florida, with the first publication to be at least thirty (30) days prior to the public hearing by the town council and at least fifteen (15) days prior to the public hearing by the local planning agency. The advertisement shall describe the property by reference to major streets or roads or other significant landmarks and by township, range, and section numbers, and shall state the current and proposed zoning classification of the property.~~
 - ~~(2) In addition, at least fifteen (15) days prior to the date set for the public hearings, the office of the town clerk shall mail a notice setting forth the time, date, place, and purpose of such hearings to the applicant.~~
 - ~~(3) Notices containing the information published in the newspaper advertisement shall be maintained at the office of the clerk, and posted in a conspicuous place or places in the~~

Lake Placid Town Hall.

- (4) ~~Written notice of the local planning agency's action on the plan and preliminary plat shall be mailed to the applicant and shall include any reasons for disapproval of the plan and plat or any conditions attached to conditional approval of same.~~
- (5) ~~If a subdivision plan and preliminary plat are approved with conditions, after those conditions have been satisfied, the local planning agency shall hold another public hearing on the amended subdivision plan and preliminary plat and publish notice of the hearing, and transmit the action taken at that hearing to the owner, in accordance with the provisions above for original consideration of the plan and plat.~~
- (g) ~~Notice of a Application for approval of final plat. After the planning and zoning department has received for its review an application for approval of a final subdivision plat, the local planning agency and the town council shall each hold at least one (1) advertised public hearing on the proposal. Due public notice of the hearings shall be published as follows: Consistent with Highlands County Land Development Regulations Section 12.04.112.C.5., "Upon review and approval by the board attorney of the recording information as to form and legal sufficiency, the county engineer shall submit the final plat to the BCC for recording approval. The final development order will be issued upon approval of the final plat recording." Section 155-13.(3) of the Lake Placid Code of Ordinances addresses the procedures for review of plats, site plans and improvement plans through the adoption of the Highlands County Code of Ordinances, Land Development Regulations. Section 155-12.(c) of the Lake Placid Code of Ordinances provides for the substitution of terms, powers and authority in which the Lake Placid Town Council is substituted in the place of the board of county commissioners, BCC and for any other term representing the Highlands County Board of County Commissioners. Consistent with Highlands County Land Development Regulations Section 12.04.112.C.5., "Upon review and approval by the board attorney of the recording information as to form and legal sufficiency, the county engineer shall submit the final plat to the BCC for recording approval. The final development order will be issued upon approval of the final plat recording."~~
- (1) ~~Planning commission hearing. The local planning agency shall hold at least one (1) public hearing on the application.~~
- a. ~~The town clerk shall advertise the time, date, place, and purpose of such hearing at least once in a newspaper of general circulation in the Town of Lake Placid, Florida, with publication to be at least fifteen (15) days prior to the public hearing by the local planning agency. The advertisement shall describe the property by reference to major streets or roads or other significant landmarks and by township, range, and section numbers and shall describe the size of the proposed subdivision, the proposed use of the lots, and the total number of lots involved, and the residential density.~~
 - b. ~~In addition, at least fifteen (15) days prior to the date set for the public hearing, the office of the town clerk shall mail a notice setting forth the time, date, place, and purpose of such hearing to the applicant.~~
 - c. ~~Notices containing the information published in the newspaper advertisement shall be maintained at the office of the clerk, and posted in a conspicuous place or places~~

~~in the Lake Placid Town Hall.~~

- ~~(2) *Town council.* Notice of the town council's consideration of the final plat need not be advertised. However, notice of the time, date, and place of the meeting where the final plat will be reviewed and of the town council's final action on same shall be mailed to the applicant by the office of the town clerk.~~
- ~~(hm)~~ *Notice of application for administrative appeal or variance.* After any application for an administrative appeal or variance has been received by the board of adjustment, the board shall hold at least one (1) public hearing with notice thereof published as follows:
- ~~(1)~~ The town clerk shall advertise the time, date, place, and purpose of such hearing at least once in a newspaper of general circulation in the Town of Lake Placid, Florida, at least fifteen ~~(15)~~ 10 days prior to the date of the hearing. The notice shall describe the property which is the subject of the application by reference to major streets or other landmarks and by township, range, and section number and describing the zoning classification of the property and the nature of the application to be considered by the board, including the specific relief requested. Notice is pursuant to Section 153-2(b), (d), (e), and (f).
 - ~~(2)~~ In addition, at least ~~fifteen (15)~~ ten (10) days prior to the public hearing, the office of the town clerk shall mail a notice of the time, date, place, and purpose of such hearing to the applicant.
 - ~~(3)~~ A sign shall be posted conspicuously on every property that is the subject of a public hearing. The sign shall contain the time, date, place, and office to contact for further information for the public hearing, and shall state the action being considered. Signs shall be placed, at a minimum, three hundred (300) feet along all public road frontages, with a minimum of one (1) sign along any one (1) frontage.
 - (4) Notices containing the published information shall be maintained at the office of the clerk, and posted in a conspicuous place or places in the Lake Placid Town Hall.
- ~~(i) *Proof of notice.* Proof by affidavit of the required publication, mailing and posting of the notices required in this section shall be presented at the public hearing prior to the taking of any action on the application in question.~~
- ~~(j) *Effect of failure to receive notice.* Where notice of a hearing or matter is sent to a person by mail, that person's failure to receive the notice shall not affect the validity of any action taken at a public hearing, so long as the procedures for mailing the notice were followed.~~
- ~~(k) *Notice and hearings on other matters.* The notice standards for public hearings on issues not mentioned in this section may be found in the particular provisions of this code governing such issues.~~
- ~~(hn)~~ *General standard for due public notice.* Unless otherwise provided in this code, due public notice of a public hearing concerning any matter addressed in this code shall mean advertising the time, date, place, and purpose of such hearing in a newspaper of general circulation in the Town of Lake Placid once, at least ~~fifteen (15)~~ ten (10) days prior to the date of the hearing before the local planning agency, ~~or~~ board of adjustment, ~~and, or~~ Town Council, ~~when applicable at least thirty (30) days prior to the date of the hearing before the~~

~~town council of the Town of Lake Placid, Florida,~~ describing the subject matter of the hearing and inviting any interested persons to appear or submit comments in writing prior to the hearing. Notice of the hearing shall also be kept in the office of the clerk, as well as posted in a conspicuous place in the Lake Placid Town Hall.

(Ord. No. 92-191, § 1(Exh. A), 1-11-93; Ord. No. 97-266, § 1, 3-10-97; Ord. No. 98-298, §§ 2, 3, 9-14-98; Ord. No. 05-467, § 1, 7-11-05)

SECTION 3. § 153-3. - TIME LIMITS; SCHEDULING AND CONTINUATION OF HEARINGS OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 153-3. - Time limits; scheduling and continuation of hearings.

- (a) *Time limits in general.* Except in extraordinary circumstances, the planning and zoning official shall forward all matters to be reviewed by the ~~LPA~~ Local Planning Agency within five (5) days after receipt of a completed application to that body, and written notice of any action or recommendation by a board or commission hereunder shall be signed by the chairperson thereof and issued within five (5) business days of such action.
- (b) *Scheduling of hearings.* The planning and zoning department shall promptly schedule before the appropriate board, ~~or commission,~~ or Town Council all matters requiring a public hearing and promptly publish due public notice thereof. Wherever possible, the matter shall be scheduled for consideration at the next regular meeting of the board or commission, if sufficient time exists prior to the meeting to allow for study of the proposal and publication of due public notice. Otherwise, the matter shall be scheduled for the following regular meeting of the board or commission. Notwithstanding any other provision in this code, no public hearing on any matter before any board or commission shall be held until proper due public notice of such matter has been published.
- (c) *Continuation of public hearings.* A board, ~~or commission,~~ or Town Council hearing a matter pursuant to this code may continue the public hearing held on the matter until the next regular meeting of the body if needed to allow for submission or consideration of additional information. ~~Unless the continued hearing is advertised at the same time as the first hearing, due public notice of same shall be published.~~ The continuation of the public hearing to a date and time certain within 45 days must be stated in on the public record in the public hearing being continued; otherwise the continuation of the public hearing must be advertised. Except in extraordinary circumstances, the ~~LPA~~ local planning agency shall not continue more than one (1) time the public hearing on any matter brought before it.

SECTION 4. § 153-4. - RECOVERY OF COSTS OF ADMINISTRATIVE REVIEW AND PROCESSING:

- (1) REZONING REQUESTS,**
- (2) SITE PLAN REVIEW (INCLUDING ARCHITECTURAL DESIGN REVIEW) BEYOND SINGLE-FAMILY,**
- (3) SMALL-SCALE AND LARGE-SCALE FUTURE LAND USE MAP (FLUM) AMENDMENTS,**
- (4) COMPREHENSIVE PLAN TEXT AMENDMENTS, AND (5) PRELIMINARY AND FINAL PLATS.**

(a) *Administrative fee.* There is hereby imposed an administrative fee, for the various costs of the town's administrative and outside fee consultant processing and review of applications, submissions or requests concerning development, utilization or improvement of real estate in the Town of Lake Placid including, but not limited to, review and processing of (1) rezoning requests, (2) site plan review (including architectural design review) beyond single-family, (3) small- and large-scale future land use map (FLUM) amendments, (4) comprehensive plan text amendments, and (5) preliminary and final plats (hereafter collectively, "review requests"), such fee to be equal in amount to the town's actual costs, in terms of staff and outside fee consultants' time expended in such review and processing, and a surcharge for certain requested fast-tracking plan reviews and inspections as provided for in paragraph (e), including advertising and similar directly related charges.

(b) *Initial deposit.* Persons who file any review request which necessitates administrative or outside consultant review and processing, shall pay prior to or at the time the review request is made, an initial preliminary deposit which shall be credited toward the fee charged for such review and processing, and shall pay additional deposits as may be required from time to time.

(c) *Maintenance of project account.* When the person pays the initial deposit, a financial account for said person's review request (the "project account") will be opened and maintained throughout the entire review process. Said account will remain open until the applicant receives a certificate of occupancy or the planning and zoning department determines that no further town action is necessary for the review and processing of the review request, at either of which times the project account will be closed and any remaining funds therein shall be refunded to the person depositing same no later than two (2) months after the project account's closing date. The project account will be monitored on a periodic basis. Whenever the account balance is not sufficient a supplemental deposit will be required before any further review or processing continues. The person making the initial deposit will be notified when a supplemental deposit will be required. The amount of the supplemental deposit will be fifty (50) percent of the initial deposit. Several supplemental deposits may be necessary depending on the complexity of the review request.

(d) *Review expense records and rates.* The staff of the various departments of the Town of Lake Placid and the town's outside fee consultants who are involved in the review and processing of review requests shall maintain records of the time expended and tasks conducted regarding each such request. A debit based upon the time expended and the applicable hourly rate (plus a surcharge as provided in paragraph (e) for certain requested work on fast-tracking projects) shall

be charged against the project account. For purposes of this program, the applicable hourly rate shall be equal to a staff person's actual hourly rate of pay (if such person is paid by the hour) or an approximate of his or her hourly compensation (based upon weekly salary divided by forty (40) hours, together with an additional factor reflecting said person's hourly value of fringe and pension benefits), if said staff person is a person who is compensated on a salary basis. The applicable hourly rate for review and processing by the town's outside fee consultants shall equal their actual hourly charge for such review and processing. A debit against the project account shall also be made which shall reflect the costs of administering this program, which charge shall be based upon the actual effort involved for such administration.

(e) *Specific fees.* Section 153-4 does not replace the imposition and collection of structure permit fees, which building permit fees shall be collected to defray the costs of up to two (2) non-priority structure plan reviews in a normal single-plan review procedure; up to two (2) non-priority plan reviews in a fast-tracking plan review procedure; and inspections which are not requested on a priority basis and which are requested when the building and zoning department or engineering department is open during regular hours (or during the regular business hours of any town outside fee consultant engineering firm).

(f) *Fast track.* "Fast-track" is defined as a method of construction where plans for component parts of a structure are reviewed on an as-being built basis (including pre and post permit meetings with staff for such multiple plan critiques).

(g) *Fast track fees.* When "fast-track" inspections or plan reviews are requested on a priority basis, or when the same plan for a component part of a structure is reviewed more than twice, the applicable hourly rate for staff and outside fee consultants involved in such review and inspections, together with a surcharge of such applicable hourly rate(s), (such surcharge to be implemented, established and changed from time to time by resolution), shall be assessed against the project account of the person requesting such work.

(h) *Priority fee.* When inspections or plan reviews are requested on a priority basis (but are not fast track), or when the same plan is reviewed more than twice, the applicable hourly rate for staff and outside fee consultants involved in such reviews and inspections shall be assessed against the project account of the person requesting same.

(i) *Other fees.* The cost of inspections (for "fast-track" and non-"fast-track" development) requested when the building and zoning department or engineering department would normally be closed (or outside of the regular business hours of any Town outside fee consultant engineering firm) shall be assessed against the project accounts of the person requesting same.

(j) *Initial deposits.* The amount of the initial deposit for the different types of review requests shall be established, and from time to time amended, by resolution of the town council. It is the express intent of the Town Council and Mayor of the Town of Lake Placid, Florida, in enacting this cost recovery program that the town's costs of administrative and outside fee consultant review and processing of review requests, as required or necessitated now or in the future by the town's ordinances, resolutions, policies or procedures, shall be borne by the person initiating the review request. To the extent that this authorized program is not fully implemented

by resolution as provided, the fees and charges provided for elsewhere in the Code of Ordinances immediately before the enactment of this ordinance for such unimplemented review and processing, if any, shall be valid as not inconsistent with this program, fully chargeable, levied and collected.

(k) *Governmental exemption.* The fees charged under § 143-4 of the Code of the Town of Lake Placid do not apply to review requests which are originally initiated by or on behalf of the Town of Lake Placid or another governmental entity acting in its governmental capacity; such as, but not limited to, department of transportation highway proposal commentary, reviews of Highlands County transportation improvements, review of proposed amendments to the Highlands County or local land use plans, and review of developments of regional impact; provided however, that the initiating government entity does not charge the Town of Lake Placid for its review, processing and comment upon Lake Placid's review requests of a similar type or nature.

(l) The above-mentioned governmental exception does not apply to review requests which are initiated by another governmental entity or agency acting in a corporate or proprietary capacity, such action including, but not limited to, a governmental entity's review requests incident to the erection of buildings or structures within Lake Placid (such as post offices, libraries or governmental office buildings).

(m) *Waiver of application fees.* If review fees are collected under § 153-4, all application fees for review requests are hereby waived.

(n) *Notice.* Except as provided herein, any notification provided in this section for supplemental deposits from the Town of Lake Placid to a person initiating a review request shall be deemed sufficient if made by a telephone call to such person, or his or her agent, with a conforming certified letter to follow. It shall be the duty of persons initiating review requests to provide on the filed review request a continuously updated address and telephone number where said persons or their agents can be reached for purposes of such notification. If an attempt to notify a person initiating a review request or his or her agent is frustrated because such furnished phone numbers or addresses were not correct or up-to-date when the notification attempt was made, such frustrated attempt shall be deemed sufficient notice for purposes of this section.

SECTION 5. § 153-5. – RESERVED HIGHLANDS COUNTY CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS AND PLAT RECORDING OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 153-5. - Reserved. Highlands County Code of Ordinances, Land Development Regulations and Plat Recording.

Section 155-13.(3) of the Lake Placid Code of Ordinances addresses the procedures for review of plats, site plans and improvement plans through the adoption of the Highlands County Code of Ordinances, Land Development Regulations. Section 155-12.(c) of the Lake Placid Code of Ordinances provides for the substitution of terms, powers and authority in which the Lake Placid Town Council is substituted in the place of the board of county commissioners, BCC

and for any other term representing the Highlands County Board of County Commissioners. Consistent with Highlands County Land Development Regulations Section 12.04.112.C.5., “Upon review and approval by the board attorney of the recording information as to form and legal sufficiency, the county engineer shall submit the final plat to the BCC for recording approval. The final development order will be issued upon approval of the final plat recording.”

SECTION 6. § 153-6. – ~~RESERVED~~ ANNEXATION OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 153-6. - ~~Reserved.~~ Annexation.

1. Municipal Services. Highlands County shall encourage the provision of municipal services by the Lake Placid Regional Utility, subject to the annexation standards set out below.
2. Annexation of Lands Developed for Urban Use. All lands being developed for urban residential, non-residential including commercial, office, industrial, and mixed uses within the Lake Placid Regional Plan Overlay District shall be required to annex into the Town of Lake Placid. This does not include agricultural land uses until such time that conversion to urban uses are proposed. Areas within the LPRP are provided in Section 154-8.
3. Infrastructure. Off-site infrastructure serving private development within the Lake Placid Regional Plan Overlay District including roads, water, sanitary sewer, and other public facilities, shall be funded privately by developers according to law. On-site infrastructure shall be provided by the developer or land owner.
4. Development Approval Process/Annexation. Within the Lake Placid Regional Plan Overlay District, undeveloped land being developed for urban use shall ultimately be annexed into the Town of Lake Placid. The intent of this policy is to facilitate such annexation.
 - A. Development Approval Process. The following process shall be utilized for comprehensive plan amendments, rezoning and development orders for all undeveloped land being requested for conversion into urban and/or commercial uses within the Lake Placid Regional Plan Overlay District.
 - B. Comprehensive plan amendments and rezoning applications: Areas contiguous to Lake Placid – Undeveloped land contiguous to the Town of Lake Placid may either submit applications for rezoning and/or comprehensive plan amendments to Highlands County for review and approval or may submit an annexation and comprehensive plan amendment/rezoning application to the Town of Lake Placid.

The review process shall then proceed through the normal procedure of the governmental jurisdiction where the application has been filed.

- C. Comprehensive plan and/or rezoning applications: Non-contiguous land – Lands which are not contiguous with the Town limits shall submit their petitions for comprehensive plan amendments and/or rezoning to Highlands County for processing through the standard county review process.
5. Annexation Consent Required. When a petitioner seeks a comprehensive plan amendment, rezoning, PD rezoning, platting, zoning variance, special exception or any other development approval (hereinafter the “petition”) through the county, an annexation consent (including all of the petitioner’s contiguous property within the Lake Placid Regional Plan Overlay District) shall be required as part of the petition process. The annexation consent shall be recorded in the county’s public records upon the granting of the first of the foregoing petitions. The principles of this policy shall be inherent in each annexation consent recorded under this provision. The consent may be more restrictive, but not less (unless the less restrictive terms are specifically called out and approved by the County Commission). The foregoing notwithstanding, a property owner may file an annexation consent at any time prior to filing a petition.
- A. Annexation Before Consent. Until a consent drafted according to this policy has been recorded, the Town may annex according to law. Once an annexation proceeding is commenced by the Town, the filing of an annexation consent by a property owner shall not provide annexation immunity (described below) to that proceeding.
- B. Time of Annexation. The annexation consent shall provide for the annexation of the subject property when any one of the following has occurred:
- C. When a property owner voluntarily requests annexation prior to the events in D or E below;
- D. Upon the approval of a preliminary plat, that portion of the consent parcel subject to the preliminary plat shall be annexed; or
- E. For un-platted properties, that portion of the consent area covered by the building permit application shall be annexed upon the issuance of a building permit.
6. Life of County Approvals. The annexation consent shall specifically provide that all County land use and zoning approvals shall be full force and effect until a Future Land Use, Rezoning, or subdivision of the property being annexed into the Town unless the Town and the property owner both consent to modifications thereto
7. Annexation Phases. Annexation may occur in phases. The petitioner’s entire contiguous property shall be included in the annexation consent, but need not be rezoned nor annexed at one time. However, such phasing shall not create an unreasonable impediment to the annexation of other properties otherwise eligible for annexation. The creation of “spite strips” or other parcel configurations calculated to prevent legitimate annexations

by the Town are prohibited. The final phase under an annexation consent shall not be less than 10% of the original annexation parcel, nor less than 20 acres (excluding parks and lands with environmental concerns, which shall be annexed sooner rather than later).

8. *Involuntary Annexation.* For parcels of land within the Lake Placid Regional Plan Area for which an annexation consent has been properly executed and recorded pursuant, no annexation shall occur prior to the time set forth in the recorded annexation consent. The foregoing notwithstanding, an parcel (or phase) constituting an enclave or otherwise preventing the legal voluntary annexation of other parcels eligible for annexation may be annexed pursuant to Florida Law, but only to the minimum extent necessary to affect the legal voluntary annexation of said eligible parcels.

SECTION 7. § 153-7. – ~~RESERVED~~ EXPEDITED APPLICATION REVIEW AND APPROVAL OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 153-7. - ~~Reserved.~~ Expedited Application Review And Approval.

The Town and Highlands County (County) shall implement Expedited Application Review and Approval where development applications that are consistent with the Lake Placid Regional Plan (LPRP) may be promptly and efficiently reviewed and approved. A checklist shall be developed consistent with the LPRP. Areas within the LPRP are provided in Section 154-8.

A. Components of Expedited Review include:

1. *Pre-Application Meeting:* The governing jurisdiction (Town/County) shall conduct a pre-application meeting with the applicant to provide and discuss the LPRP requirements.
2. *Application Completeness Review:* Upon receipt of a submitted application for Comprehensive Plan Amendment, Rezoning or Site Plan, the governing jurisdiction (Town/County) shall provide a sufficient and completeness review within ten (10) business days of receipt. If the application is not sufficient and complete, the governing jurisdiction (Town/County) staff shall contact the applicant.
3. *Development Review:* Upon receipt of a “sufficient and complete” application, the governing jurisdiction (Town/County) staff shall provide development review comments (including Planning, Transportation, Engineering, Public Safety) within ten (10) business days of receipt.
4. *Completed Review:* After completed review, the application for the Comprehensive Plan Amendment/Rezoning will be scheduled for public hearings. Site plans will be approved upon completion of all requirements consistent with the Land Development Code.

- B. The governing jurisdiction (Town/County) shall provide for the following as it implements Expedited Review.
1. Customer Service: The governing jurisdiction (Town/County) shall provide a positive, proactive attitude in the staff project team, throughout the entire process, to help the customer make his or her project a reality.
 2. Pre-Application Review: The governing jurisdiction (Town/County) shall provide for each pre-application project review to include all applicable departments, building an integrated, multi-departmental approach over time.
 3. Establish an Ombudsman: The governing jurisdiction (Town/County) shall provide one point of contact to guide customers throughout the entire approval process.
 4. Time is of the Essence: The governing jurisdiction (Town/County) shall minimize the steps for project approval depending on the scope of development request, including but not limited to planned unit development, subdivision, and permitted conditional use.
 5. Minimize Approval Steps: The governing jurisdiction (Town/County) shall commit to regular evaluations of the development review and permitting process to ensure an efficient and value-added process. The governing jurisdiction (Town/County) shall implement process and technology improvements as appropriate and feasible.

SECTION 8. § 153-8. – ~~RESERVED~~ INTERGOVERNMENTAL COORDINATION FOR APPLICATION REVIEW WITHIN UNINCORPORATED HIGHLANDS COUNTY AND AREAS WITHIN THE TOWN WITHIN 300’ OF THE COUNTY OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 153-8. - Reserved. Intergovernmental Coordination for Application Review within Unincorporated Highlands County and Areas within the Town Within 300’ of the County.

- A. The Town and County shall advise each other of Future Land Use and Zoning (and site plan) applications and proceedings within the Lake Placid Regional Plan (LPRP) area. This includes applications within the Town that are within 300’ of unincorporated Highlands County. Review of such applications by the reviewing (rather than governing) jurisdiction shall be a courtesy review and no hearings shall be conducted by the review jurisdiction. To facilitate this, the following procedures shall be adhered to by both the Town and the County.

1. Upon Receipt of Application: Upon receipt of a Future Land Use Map Amendment or Rezoning Application by the governing jurisdiction (Town/County), an electronic copy of the application shall be provided to the reviewing jurisdiction (Town/County) within three (3) business days for comments. When the Town is the reviewing jurisdiction, the application shall be provided to the Town Clerk, Town Engineer, and Town Administrator.
2. Review: The reviewing jurisdiction (Town/County) staff and any members of the public shall provide the governing jurisdiction (Town/County) with any review comments within eight (8) business days of receipt of the application.
3. Governing Jurisdiction Public Hearings: The governing jurisdiction (Town/County) shall provide no less than ten (10) days notice of any scheduled public hearings to the reviewing jurisdiction.
4. Public Hearing Schedule: The reviewing jurisdiction (Town/County) shall not delay the governing jurisdiction's (Town/County) public hearing schedule for the Future Land Use or Rezoning Application.

SECTION 9. §§ 153-59—153-9. - RESERVED.

ARTICLE II. - ADMINISTRATIVE POWERS AND DUTIES

SECTION 10. § 153-10 TOWN COUNCIL

In general. The Town Council of the Town of Lake Placid shall exercise the following general powers and responsibilities, in addition to all others provided for in this code, in accordance with this code and other applicable laws and regulations.

(b) Legislation. Adopt this code and the official zoning map in accordance with, and based upon the adopted comprehensive plan.

(c) Amendments. Adopt appropriate amendments to the zoning regulations and the official zoning map, and other parts of this code, as prescribed in this code. If, because of an error or omission in the official zoning map, any property in the jurisdiction of the town council is not shown as being in a zoning district, the classification of such property shall be established by the town council.

(d) Final review. Acting on the recommendations from the LPA local planning agency on matters regulated by this code in the manner provided by this code, and render decisions on those matters in compliance with the provisions of this code. These matters include rezonings, land use amendments, and administrative appeals.

(e) Hearings. Hold public hearings as required in this code.

(f) Changes in districts. Review, in accordance with applicable law, the appropriateness of the zoning classifications and districts in the code and designated in the official zoning map and consider changing said classifications and districts to carry out the intent of this code.

(g) Code enforcement. Oversee the enforcement of this code in the decisions and actions of the officials and governmental bodies of the town.

**SECTION 11. § 153-11. - PLANNING AND ZONING OFFICIAL OF THE TOWN
CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:**

- (a) *In general.* The Lake Placid Planning and Zoning Official shall ensure that all relevant provisions of this code are enforced in relation to the development regulated by this code and shall have the following additional powers and responsibilities with respect to this code.
- (b) *Receive applications.* Act as the initial recipient on behalf of the ~~town council, planning commission~~/LPA local planning agency and board of adjustment of all land development requests and applications for relief under this code, including all applications for subdivision or site plan approval, conditional use permits, variances, rezoning, home occupation permits and planned unit developments. Section 155-13.(3) of the Lake Placid Code of Ordinances addresses the procedures for review of plats, site plans and improvement plans through the adoption of the Highlands County Code of Ordinances, Land Development Regulations.
- (c) *Contents of applications.* Upon receipt of every said application, ensure that the application contains all information, materials, diagrams and fees required under this code.
- (d) *Creation of files.* Prepare a separate file for each said application labeled with the name of the applicant, the file number, the nature of the application and the date the file was opened, and secure in said file the papers received by this office in connection with said initial application and all further papers or documents related to such matter.
- (e) *File index.* Maintain in this office an updated index of said files.
- (f) *Agenda and notice.* Ensure that all applications or matters to be considered by the town council or LPA local planning agency are promptly placed on the town council or LPA local planning agency agenda and that due public notice of same is published, if required in the code.
- (g) *Referrals to ~~planning commission~~/local planning agency.* All applications for ~~site plan and subdivision approval~~, zoning changes and home occupation permits shall be forwarded promptly to the local planning agency for consideration. Unless extraordinary circumstances exist, all such referrals shall be made within five (5) business days of the receipt of all materials required to be included in said applications under this code.
- (h) *Referrals from ~~planning commission~~/local planning agency.* Receive on behalf of the town council all recommendations from the local planning agency and present same, with comments, to the town council for final action.
- (i) *Maintenance of files.* Maintain all files regarding pending and finalized land development

matters in this office for safekeeping.

- (j) *Administrative actions.* Accomplish all administrative actions required by these regulations, including giving notices, receiving and processing of appeals and the acceptance of and accounting for fees.
- (k) *Maintenance of code, map and files.* Maintain and keep current these regulations, the official zoning map and all records relating to the administration of these regulations.
- (l) *Referrals to and liaison with other agencies.* Refer to the local planning agency, town council, ~~Florida Department of Community Affairs,~~ Florida Department of Economic Opportunity, Florida Department of Environmental Protection, local municipalities and other departments or agencies for review all applications for which such reviews are specified in this code or other laws and regulations; provide liaison with other agencies as needed; and provide copies of reports, decisions or records to other agencies as requested or as directed in this code or other applicable laws.
- (m) *Compliance with code.* Review all applications for any development activity regulated by this code, to ensure the conformity of the proposed activity with the provisions of this code.
- (n) *Advice to applicants.* Provide advice to all applicants of the content and requirements of applicable sections of the code.
- (o) *Fees.* Account for and turn over all fees received from whatever source in the manner provided by the town council.
- (p) *Permits.* Issue temporary use permits, sign permits and any other similar permits that may be required by these regulations.
- (q) *Conditional use inspections.* Make determinations on fulfillment of requirements for conditional uses and issue approvals thereof as required by this code.
- (r) *Suggestions as to code.* Suggest to the ~~LPA~~ local planning agency and the town council changes in this code and the zoning map, with a written statement, if desired, as to the need for such change.
- (s) *Time limits for action.* Act upon or refer to the proper agency or department any matter brought before him within thirty (30) days of the date of filing or within a longer period of time agreed to by the applicant. If after thirty (30) days no decision or referral has been made, the request of the applicant will be deemed to have been denied and the applicant shall be notified of same in writing.
- (t) *Inspections and technical advice.* Make all required inspections necessary to make decisions on matters within his/her power to decide and with approval of the town council obtain expert opinions on such matters.
- (u) *Recommendations as to applications.* Issue recommendations regarding applications for code amendments, zoning changes, permits or other relief under this code to the board or commission responsible for same.
- (v) *Review.* Review on behalf of the ~~LPA~~ local planning agency all applications for changes in this code or in zoning, ~~all applications for site plan and subdivision approval,~~ all applications for home occupation permits and all other applications and matters to be reviewed by the

LPA local planning agency under this code. Section 155-13.(3) of the Lake Placid Code of Ordinances addresses the procedures for review of plats, site plans and improvement plans through the adoption of the Highlands County Code of Ordinances, Land Development Regulations.

- (w) *Agenda and notice.* Ensure that all matters referred for LPA local planning agency review are promptly placed on its agenda and that due public notice of all hearings is published in timely fashion.
- (x) *Advice and inspections.* Advise the LPA local planning agency on all matters coming before it, and make such field inspections and studies as are necessary to ensure that all provisions of this code are enforced.
- (y) *Documentation.* Provide, secure and distribute documentation of all matters before the LPA local planning agency.
- (z) *Advice to town council.* Advise the town council on any matter concerned with land development, including amendments to this code, the official zoning map or other applicable legislation.

SECTION 12. § 153-12. – LOCAL PLANNING AGENCY OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

- (a) *In general.* The Lake Placid Local Planning Agency (~~"LPA"~~) is created to act as herein set out. Members shall be as appointed by the town council. Appointments shall be made in accordance with applicable law and ordinances on the basis of experience or interest in the subject matter jurisdiction. The membership of the local planning agency shall whenever possible include members from diverse occupational backgrounds. Town council shall appoint two (2) alternate members to serve on the board in the absence of board members. The said alternates shall count as a part of the total membership necessary to constitute a quorum for business.

Members shall be residents of the Town of Lake Placid or residents of Highlands County owning property in the Town of Lake Placid. At least three (3) members shall be residents of Lake Placid and no more than two (2) members can be unincorporated Highlands County residents owning property in the Town of Lake Placid.

Initial appointments shall be as follows:

- (1) One (1) member appointed to a term of one (1) year.
- (2) Two (2) members appointed for a term of two (2) years each.
- (3) Two (2) members appointed for a term of three (3) years each.
- (4) Thereafter appointments shall be made for a term of three (3) years.
- (5) A member may be reappointed upon approval of the town council.
- (6) An appointment to fill any vacancy shall be for the remainder of the unexpired term of office. If any member fails to attend three (3) successive meetings without cause, or

without prior approval of the chairman, said member shall be deemed to have resigned and the town council shall promptly fill such vacancy.

- (7) Members shall serve in accordance with all ordinances of the town council and may be suspended and removed for cause as provided in such ordinances for removal of such members of boards.
 - (8) The members shall elect a chairman, who shall be a voting member, from the members of the board. The presence of three (3) or more members shall constitute a quorum. Members shall serve without compensation.
 - (9) The designee of the Highlands County School Board shall be a non-voting representative of the school board. The representative shall not be considered in determining a quorum.
- (b) *Procedures.* The organization, procedural rules and methods of transacting business shall be in conformity with the Town of Lake Placid Land Development Code, as amended, and F.S. § 163.3174, except as otherwise may be provided for in this code, and shall be subject to review and final adoption by the town council.
- (c) *Powers and duties.* The Local Planning Agency LPA shall study each request for rezoning for compliance with the intent of the land development code and the comprehensive plan, and after duly advertised public hearing make a written recommendation to the town council regarding the request and reason for such recommendation no later than thirty (30) days after the public hearing.

It shall be the responsibility of the Local Planning Agency LPA to exercise the following powers and duties in addition to those specifically provided for in this code and other legislation:

- (1) *Local planning agency.* Serve as the local planning agency unless another agency is so designated by the town council.
- (2) *Review of matters and hearings.* Review those matters referred to the Local Planning Agency LPA and hold meetings and public hearings for purposes of reviewing said matters and making recommendations thereon to the town council.
- (3) *Issuance of written recommendations.* Transmit to the proper governmental bodies or agencies its written recommendations, where said recommendations are provided for in this code.
- (4) *Changes in code map, and internal procedures.* Recommend to the town council for approval, internal procedures and changes in this code.
- (5) *Ensure compliance with code.* Ensure that the applications that come before it shall not be approved until all requirements of this code have been met.
- (6) *Books and records.* Keep a properly bound and indexed public record of its resolutions, transactions, findings and determinations.
- (7) *Other duties.* Perform any other duties lawfully assigned to it.
- (8) *Board of adjustment.* Serves as the board of adjustment to hear and decide variances, special exceptions, and appeals from administrative decisions.

- (d) A copy of each application for change of zoning, change of land use, special exception or variance shall be forwarded by the town clerk upon filing to the Highlands County Planning Department and to the Highlands County School Board.

(Ord. No. 92-191, § 1(Exh. A), 1-11-93; Ord. No. 98-298, § 6, 9-14-98; Ord. No. 05-467, § 1, 7-11-05)

SECTION 13. § 153-13. – BOARD OF ADJUSTMENT OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

- (a) *Creation.* There is hereby created the Town of Lake Placid Board of Adjustment for the purposes mentioned in this code. The planning commission/local planning agency shall function as that board with the authority:
 - (1) *Appeals from administrative officials.* To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the administrative official in the enforcement of this chapter.
 - (2) *Variances.* To hear and grant a variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of the chapter shall be observed and substantial justice done.
 - (3) *Special exceptions.* To hear and grant special exceptions.
- (b) *Final orders.* All final orders of the board of adjustment shall be recorded in the Public Records of Highlands County.

(Ord. No. 05-467, § 1, 7-11-05)

SECTION 14. § 153-14. – 153.19. – RESERVED OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

ARTICLE III. - ADMINISTRATIVE PROCEDURES

SECTION 15. § 153-20. – APPLICATION FOR CHANGE OF ZONING CLASSIFICATION OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

- (a) *In general.* The following steps are to be followed to request a change in the zoning classification or designation for a parcel of real property.
- (b) *Filing application.* All applications shall be filed with the planning and zoning official on the proper form obtained through that office.
- (c) *Consistency with comprehensive plan.* The planning and zoning official shall determine if the application is consistent with the comprehensive plan. If it is not, the application and filing fee shall be returned to the applicant for such amendments as are necessary to bring the application into conformity with the comprehensive plan. Any applicant may appeal

such rejection to the board of adjustment as provided in section 153-23, with final action thereon to be taken by the town council after receipt of the written comments of the ~~planning commission~~/LPA local planning agency and a public hearing as provided in subsection 153-2(b)(10); however, such review and final decision shall relate solely to the issue of whether or not the proposed changes in zoning would be consistent with the most recent version of the comprehensive plan and shall not address the other merits of the application for the change in zoning.

- (d) *Contents of application.* The application submitted shall include the following information in triplicate (no application will be accepted which does not include each of the following items):
- (1) *Description.* The legal description, including lot and block number, and acreage of the subject property.
 - (2) *Owner.* The names and addresses of all owners of the property.
 - (3) *Zoning.* The existing and proposed uses and zoning classifications of the property.
 - (4) *Applicant interest.* A statement of the applicant's interest in the property including a copy of the latest recorded warranty deed and:
 - a. If joint and several ownership, a written consent to the rezoning petition by all owners of record.
 - b. If a contract purchase, a copy of the purchase contract and written consent of the seller/owner.
 - c. If an authorized agent, a copy of the agency agreement or written consent of the principal/owner.
 - d. If a corporation or other business entity, the name of the officer or person responsible for the application and written proof that said representative had the delegated authority to represent the entity, or in lieu thereof, written proof that the person is, in fact, an officer of the corporation.
 - e. If a group of contiguous property owners, at least fifty-one (51) percent of the contiguous property owners of the property described in the petition must provide written consent.
 - (5) *Adjacent owners.* A complete list of all property owners, mailing addresses and legal descriptions for all property within three hundred (300) feet of the subject parcel for residential rezoning requests or within three hundred (300) feet for commercial rezoning requests as recorded in the official tax rolls of the town.
 - (6) *Reason for application.* A statement of the special reasons that the rezoning request is needed and justified.
 - (7) *Fee.* Payment of any filing fee set by the town council to cover advertising and other administrative costs.
 - (8) *Plan designation.* The current land use designation of said property under the comprehensive plan.

- (9) *Signature.* A signed statement under penalty of perjury that all the materials submitted are true and correct to the best of the applicant's knowledge and belief.
- (e) *Referral to planning commission.* The planning and zoning official shall promptly forward the application and accompanying documents to the LPA local planning agency for their review.
- (f) *Planning commission agenda and notice.* The planning and zoning official shall ensure that the application is promptly placed on the LPA local planning agency agenda and advertised under subsections 153-2(b)(2) or (3).
- (g) *Planning commission review.* The LPA local planning agency shall study each request for rezoning for compliance with the intent of this code and the comprehensive plan and, after a duly advertised public hearing, make a written recommendation to the town council regarding the request, and the reasons for said recommendation, no later than thirty (30) days after the public hearing thereon. The recommendations shall be forwarded to the planning and zoning official for final action by the town council.
- (h) *Town council agenda and notice.* The planning and zoning official and the town clerk shall ensure that the application is duly advertised in accordance with subsections 153-2(b)(2) or (3) for public hearings before the town council, which shall consider the application and the recommendations of the LPA local planning agency.
- (i) *Town council action.* Following the public hearings, the town council may approve or deny the request in accordance with this code and the intent of this code and the comprehensive plan. If the application is approved, the town council may by ordinance amend, modify or change the existing zoning classification of the property. In the event the request is denied, no public body of the Town of Lake Placid shall thereafter take any further action on another application for rezoning or for substantially the same requested relief on the same premises for a period of twelve (12) months from the date of the prior action disapproving such relief.
- (j) *Construction.* Nothing in this section shall be construed to limit the power of any Town of Lake Placid agency, officer, board or commission to initiate proposals to rezone or reclassify property in the town, and no such agency, officer, board or commission shall pay a filing fee in connection with the initiation of said proposal.

(Ord. No. 05-467, § 1, 7-11-05)

SECTION 16. § 153-21. – APPLICATION FOR CONDITIONAL USE AND SPECIAL EXCEPTION OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

- (a) *In general.* The following steps are to be followed to request a conditional use or special exception permit for property under the provisions of this code.
- (b) *Application.* An application for such conditional use or special exception shall be submitted to the planning and zoning official on a form provided by the planning and zoning official

and shall contain the following information (no application shall be considered unless each of these items is included):

- (1) *Description.* The legal description and acreage of the premises.
 - (2) *Owner.* The names and addresses of the owners, occupants and tenants of such property, and adjacent owners of property within three hundred (300) feet of the subject property if it is a residential use or within three hundred (300) feet if a commercial use.
 - (3) *Description of use.* A description of the conditional use or special exception desired, specifically and particularly describing the type, character and extent of the proposed conditional use.
 - (4) *Authorization.* A citation to the provision in this code which allows such conditional use or special exception.
 - (5) *Conditions.* A detailed statement of the proposed conditions on such use, and as to how those conditions are to be fulfilled.
 - (6) *Reason and existing use.* A statement as to the existing use of the property and the reason for requesting the conditional use or special exception.
 - (7) *Site plan.* A proposed site plan for said parcel showing the footprint and elevations of all improvements, building materials, and the utility location and type.
 - (8) *Fee.* A filing fee for advertising and other administrative costs, in an amount set by resolution of the town council.
 - (9) *Signature.* The applicant's signature under penalty of perjury that the materials submitted are true and correct.
 - (10) *Misrepresentation.* Upon reasonable notice and hearing to the landowner, the ~~planning commission~~ LPA local planning agency may declare a previously granted special exception void if the application or the proof in support contains a material misrepresentation.
- (c) *Board of adjustment notice and agenda.* The planning and zoning official shall set the matter on the agenda for the board of adjustment and advertise same in the manner described in section 153-2
- (d) *Site plan.* Any review of any application for a conditional use or special exception shall include a site plan prepared by the applicant. The site plan, as submitted or revised, shall be approved as a part of any approved conditional use or special exception.
- (e) *Finding.* The board of adjustment shall recommend no conditional use or special exception hereunder unless it finds that such use will not adversely affect the public interest.
- (f) *Conditions.* The board of adjustment may, as a condition to recommending any application for a conditional use or special exception, impose such conditions, restrictions or limitations in the use of such premises, or upon the conditional use or special exception thereof as requested in the application, as the board may deem appropriate and in the best interests of the public, taking into account matters of health, safety and welfare of the citizens, the protection of property values and other considerations material to good planning and zoning concepts, with the exercise of said discretion to be in accordance with the terms of this code.

- (g) *Time limits for use.* The board of adjustment may recommend a reasonable time limit within which the action for which the conditional use is required shall be commenced or completed or both.
- (h) *Permitted use.* Any conditional use or special exception authorized by the board of adjustment shall permit no use other than the specific use or uses described in the application and site plan, as the same may be limited or restricted by the terms and provisions in the order. Any expansion or extension of the use of such premises beyond the terms of the conditional use or special exception permit shall be unlawful and in violation of this code, and shall render the conditional use or special exception permit subject to suspension or revocation by the board of adjustment.
- (i) *Revocation.* The board of adjustment may suspend or revoke any permit allowing a conditional use or special exception at any time it determines that such conditional use or special exception has become a public or private nuisance because of an unauthorized, improper or other unlawful use of such premises. The landowner reflected on the Highlands County tax rolls (or the actual current owner if different and known) for the permit shall be notified by mail of the hearing at which said action will be considered and of the outcome of said hearing.
- (j) *Effect of denial.* If an application for a conditional use permit or special exception is denied by the board of adjustment, said board shall take no action on a subsequent similar application on the same premises until after twelve (12) months from the date of the prior denial.

(Ord. No. 98-298, § 8, 9-14-98; Ord. No. 05-467, § 1, 7-11-05)

SECTION 17. § 153-22. – APPLICATION FOR VARIANCE OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

- (a) *In general.* The following steps are to be followed to request a variance for property from the particular regulations of this code.
- (b) *Application.* An application shall be filed with the planning and zoning official on a form provided by him/her with the following items or information (no application shall be accepted which does not contain each item):
 - (1) *Owner.* If the applicant is other than the owner of the entire parcel in question, written consent for such application signed by all the owners of the property.
 - (2) *Description.* A complete legal description of the premises for which a variance is requested.
 - (3) *Survey.* A survey or plot diagram indicating applicable setback lines and the location of the proposed construction.
 - (4) *Nature of variance.* A statement as to the exact nature of the proposed variance and the physical nature of the premises which makes the variance necessary.

- (5) *Hardship*. A statement as to the hardship imposed by these regulations in the event no variance is granted.
 - (6) *Zoning*. The zoning classification of the premises.
 - (7) *Impact*. A statement as [to] the impact of granting the variance on contiguous property owners.
 - (8) *Fee*. A filing fee set by the town council to cover advertising and other administrative costs.
 - (9) *Adjacent owners*. The names and addresses of all contiguous property owners within three hundred (300) feet of the boundary of the property if its use is residential or three hundred (300) feet if its use is commercial.
 - (10) *Signature*. A statement signed by the applicant under penalty of perjury that the materials submitted are true and correct to the best of the applicant's knowledge and belief.
- (c) *Referral to board of adjustment*. The planning and zoning official shall refer to the board of adjustment all requests for variances and shall state in writing his/her recommendation with respect to said request. The planning and zoning official shall ensure the application is promptly placed on the agenda for a meeting of the board of adjustment and that due notice of the public hearing is published under section 153-2 of this code.
- (d) *Findings required*. Before granting an application for a variance, the board of adjustment shall first determine that the proposed variation in the application of this code will not:
- (1) Constitute any change in the districts established in the official zoning map.
 - (2) Impair an adequate supply of light and air to adjacent property.
 - (3) Materially increase the congestion in public streets.
 - (4) Increase the danger of fire or pose other threats to the public safety.
 - (5) Materially diminish or impair established property values within the surrounding area.
 - (6) In any other respect impair the public health, safety, morals or general welfare.
- (e) *Specific findings*. The board of adjustment shall not grant a variance unless it finds that:
- (1) Special conditions and circumstances exist relating to the physical aspects of the property in question which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - (2) The special conditions and circumstances do not result from the actions of the applicant.
 - (3) Granting the variance will not confer on the applicant any special privilege that is denied by this code to other lands, buildings or structures in the same zoning district.
 - (4) Literal interpretation of this code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this code and would work unnecessary hardship on the applicant.

- (5) The variance granted is the minimum variance that will make the reasonable use of the land, building or structure possible.
- (6) Granting the variance will be in harmony with the general purpose and intent of this code and will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (f) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with the laws of Florida, this code and any ordinance enacted under its authority. Violation of such conditions and safeguards, which shall be made a part of the terms under which the variance is granted, shall be a violation of this code and grounds to void the special exception (after reasonable notice to the then landowner and hear[ing] before the board of adjustment).
- (g) *Limits on variances.* Under no circumstances shall the board of adjustment grant a variance allowing a deviation of more than thirty-five (35) percent from the applicable district regulations in question, nor shall a variance be granted as to density or to permit a use not generally or conditionally permitted in the zoning district regulations. No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for a variance.

(Ord. No. 05-467, § 1, 7-11-05)

SECTION 18. § 153-23. – ADMINISTRATIVE APPEALS TO BOARD OF ADJUSTMENT OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

- (a) *In general.* When the review of an administrative matter is not otherwise provided in this code, a person aggrieved by any decision of an administrative official under this code may appeal such decision to the board of adjustment.
- (b) *Filing within thirty (30) days.* Such appeal shall be taken within thirty (30) days after the order; requirement or decision is rendered, by filing with the officer who rendered the decision and with the board of adjustment a notice of appeal on a form provided by the planning and zoning official. All documents regarding the appeal shall be forwarded to the board.
- (c) *Effect of appeal.* An appeal to the board of adjustment stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal is taken certifies that by reason of facts cited in the certificate a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed unless the board or a court of competent jurisdiction issues a restraining order for good cause shown after notice to the party and officer affected.
- (d) *Hearing.* The board shall fix a reasonable time for the hearing of the appeal and give due public notice thereof in accordance with subsection 153-2(b)(2), and decide the matter appealed within sixty (60) days of the filing of the notice. At the hearing, any party may appear in person, by agent or attorney.

(Ord. No. 05-467, § 1, 7-11-05)

SECTION 19. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or divisions of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance.

SECTION 20. INCLUSION IN THE CODE. When the text of this Ordinance is published for inclusion in the Lake Placid, Florida Code of Ordinances, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined, double underlined, or highlighted shall be amended so that the text of the Code shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made.

SECTION 21. CODE REVISIONS. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Administrator or his or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

SECTION 22. CONFLICT. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 23. EFFECTIVE DATE. This Ordinance shall become effective on January 1, 2017.

ADOPTED AND ORDAINED during a regular meeting of the Lake Placid Town Council held this ____ day of _____, 2016.

TOWN OF LAKE PLACID,
a Florida municipal corporation

By: _____
John M. Holbrook, Mayor

Attest: _____

Eva Cooper Hapeman, Town Clerk

THIS ORDINANCE WAS READ in full or by title on at least two (2) separate days in two (2) Town Council meetings (on the ____ day of August, 2016 and on the ____ day of September, 2016). Notice of the proposed enactment containing the Ordinance title, stating that a copy may be obtained at Town Hall, and stating that adoption and advising that interested parties may appear at the meeting and be heard with respect to the proposed ordinance was published in Highlands Today on the 10th of July, 2016 and the ____ day of August, 2016 being at least thirty (30) days prior to adoption.

Eva Cooper Hapeman, Town Clerk

ORDINANCE 2016-723
(Amending Chapter 154–
Zoning)

Ordinance 2016-723
CHAPTER 154–ZONING

Summary of Amendments

SECTION

PROPOSED CHANGE

ARTICLE I.–GENERAL PROVISIONS

Section 154-1. – Purpose.

No amendments proposed. *(Page 3 of Ordinance 2016-723)*

Section 154-2. – Short Title.

No amendments proposed. *(Page 3 of Ordinance 2016-723)*

Section 154-3. – Zoning Map.

No amendments proposed. *(Pages 3-4 of Ordinance 2016-723)*

Section 154-4. – Interpretation.

No amendments proposed. *(Page 4 of Ordinance 2016-723)*

Section 154-5. – Definitions and Word Usage.

Definitions have been moved to Section 152-4 to reduce duplication. *(Pages 4-8 of Ordinance 2016-723)*

ARTICLE II.– ESTABLISHMENT AND BOUNDARIES OF DISTRICTS

Section 154-6. – Establishment and Enumeration of Districts.

Although the Town does not allow new mobile homes, in the instance in which a Mobile Home Park is annexed, the term “Existing” has been added before Mobile Home Park to allow for the recognition of Existing Mobile Home Parks and o prohibit the creation of new Mobile Home Park Districts. *(Pages 8-10 of Ordinance 2016-723)*

Section 154-7. – Boundaries.

No amendments proposed. *(Pages 10-11 of Ordinance 2016-723)*

ARTICLE III.– SUPPLEMENTAL REGULATIONS

Section 154-8. – ~~Reserved.~~

New Section: Lake Placid Regional Plan Overlay District
This Section has been added to address the purpose and intent of the Lake Placid Regional Overlay District. *(Pages 11-18 of Ordinance 2016-723)*

Section 154-9. – Performance Standards.

No amendments proposed. *(Page 19 of Ordinance 2016-723)*

- Section 154-10. – Swimming Pools.** This section has been revised to include the PD District for private pools. *(Pages 19-20 of Ordinance 2016-723)*
- Section 154-11. – Height Exceptions.** A cross reference to the new “tall buildings” Section 154-13 has been added. *(Pages 20-21 of Ordinance 2016-723)*
- Section 154-12. – Open Yard Storage.** Additional regulations and graphic provided to address outdoor storage. *(Pages 21-22 of Ordinance 2016-723)*
- Section 154-13. – ~~Reserved.~~** **New Section: Tall Building Height**
This Section has been added to address the purpose and intent of the Lake Placid Regional Overlay District. *(Pages 22-24 of Ordinance 2016-723)*
- Section 154-14. – Nonconforming Uses.** No amendments proposed. *(Pages 24-28 of Ordinance 2016-723)*
- Section 154-15. – Signs.** No amendments proposed. Not included in this Ordinance.
- Section 154-16. – Side Yards on Corner Lots.** No amendments proposed. *(Page 28 of Ordinance 2016-723)*
- Section 154-17. – Commercial Design Standards.** Title of section changed from “Design” to “Architectural”. An exemption is provided for buildings within the Agricultural Future Land Use and Zoning. The words “fluorescent” and “soffit” have been updated to correct spelling errors in the Code. Text “may” has been revised to “shall” specific to exterior finishes. The regulation for mobile and modular units has been updated to provide greater clarity; such units may be allowed temporarily through approval by the major in case of emergency. *(Pages 28-32 of Ordinance 2016-723)*

ARTICLE IV.– DISTRICT REGULATIONS

Section 154-18. – Provisions Applying to All Districts.

Several subsections have been revised or added to address recommendations from the Growth Management Committee including:

§ 154-18.(a) – Height

§ 154-18.(o) – Big Box

§ 154-18.(q) – Underground Electric Utilities

§ 154-18.(r) – Multipurpose Trails and Paths

§ 154-18.(s) – Access Management Standards

§ 154-18.(t) – Driveways

§ 154-18.(u) – Residential Drives on Major and Minor Collectors

§ 154-18.(v) – Parking

§ 154-18.(w) – Traffic Circulation Systems (In Developments)

(Pages 33-48 of Ordinance 2016-723)

Section 154-19. – Purpose.	No amendments proposed. <i>(Page 48 of Ordinance 2016-723)</i>
Section 154-20. – A-1 Agricultural District.	No amendments proposed. <i>(Pages 48-51 of Ordinance 2016-723)</i>
Section 154-21. – R-1A Single-Family Dwelling District.	No amendments proposed. <i>(Pages 51-54 of Ordinance 2016-723)</i>
Section 154-22. – R-1 Single-Family Dwelling District.	No amendments proposed. <i>(Pages 54-56 of Ordinance 2016-723)</i>
Section 154-23. – R-2 Multifamily Dwelling District.	No amendments proposed. <i>(Pages 57-61 of Ordinance 2016-723)</i>
Section 154-23.1 – R-2A Two-Family Residential Dwelling District.	No amendments proposed. <i>(Pages 61-63 of Ordinance 2016-723)</i>
Section 154-24. – Reserved.	No amendments proposed. <i>(Page 63 of Ordinance 2016-723)</i>
Section 154-25. – C-1 Highway Commercial District.	No amendments proposed. <i>(Pages 63-67 of Ordinance 2016-723)</i>
Section 154-25.1. – Planned Commercial Development (PCD) District.	No amendments proposed. <i>(Pages 67-73 of Ordinance 2016-723)</i>
Section 154-26. – C-2 Limited Commercial District.	No amendments proposed. <i>(Pages 73-77 of Ordinance 2016-723)</i>
Section 154-26.1. – C-2A Professional Commercial District.	No amendments proposed. <i>(Pages 77-80 of Ordinance 2016-723)</i>
Section 154-27. – C-3 Commercial Light Manufacturing District.	No amendments proposed. <i>(Pages 80-81 of Ordinance 2016-723)</i>
Section 154-27.1. – Planned Development (PD) District.	This section has been amended to clarify the PD process and add references to the Lake Placid Regional Plan. Greater detail is provided specific to multipurpose trails and paths and parks consistent with the Growth Management Committee recommendations. <i>(Pages 81-91 of Ordinance 2016-723)</i>
Section 154-27.2. – The HIW Planned Development Ordinance.	No amendments proposed. <i>(Pages 91-100 of Ordinance 2016-723)</i>

Section 154-27.3. – Highlands Cove Development Ordinance. No amendments proposed. *(Pages 100-110 of Ordinance 2016-723)*

ARTICLE V.–ADMINISTRATION AND ENFORCEMENT

Section 154-28. – Purpose No amendments proposed. *(Page 110 of Ordinance 2016-723)*

Section 154-29. – Enforcement Official. No amendments proposed. *(Page 110 of Ordinance 2016-723)*

Section 154-30. – Building Permit Application. This section has been revised to reference Section 155-13 specific t the adoption of certain Highlands County regulations. *(Page 110 of Ordinance 2016-723)*

Section 154-31. – Construal of Building Permit, Limitations on Building Permits. This section has been revised to reference Section 155-13 specific t the adoption of certain Highlands County regulations. *(Pages 110-111 of Ordinance 2016-723)*

Section 154-32. – Certificate of Occupancy. No amendments proposed. *(Page 111 of Ordinance 2016-723)*

Section 154-33. – Changes and Amendments. No amendments proposed. *(Page 112 of Ordinance 2016-723)*

Section 154-34. – Penalties for Offenses. No amendments proposed. *(Page 112 of Ordinance 2016-723)*

Section 154-35. – Board of Adjustment. No amendments proposed. *(Pages 112-113 of Ordinance 2016-723)*

ORDINANCE NO. 2016 -723

AN ORDINANCE OF THE TOWN OF LAKE PLACID, FLORIDA, AMENDING THE TOWN'S LAND DEVELOPMENT CODE TO IMPLEMENT THE LAKE PLACID REGIONAL PLAN; AMENDING CHAPTER 154-ZONING; AMENDING ARTICLE I.-GENERAL PROVISIONS; AMENDING SECTION 154-1.-PURPOSE; AMENDING SECTION 154-2.-SHORT TITLE; AMENDING SECTION 154-3.-ZONING MAP; AMENDING SECTION 154-4.-INTERPRETATION; AMENDING SECTION 154-5.-DEFINITIONS AND WORD USAGE; AMENDING ARTICLE II.-ESTABLISHMENT AND BOUNDARIES OF DISTRICTS; AMENDING SECTION 154-6.-ESTABLISHMENT AND ENUMERATION OF DISTRICTS; AMENDING SECTION 154-7.-BOUNDARIES; AMENDING ARTICLE III.-SUPPLEMENTAL REGULATIONS; AMENDING SECTION 154-8.-RESERVED; AMENDING SECTION 154-9.-PERFORMANCE STANDARDS; AMENDING SECTION 154-10.-SWIMMING POOLS; AMENDING SECTION 154-11.-HEIGHT EXCEPTIONS; AMENDING SECTION 154-12.-OPEN YARD STORAGE; AMENDING SECTION 154-13.-RESERVED; AMENDING SECTION 154-14.-NONCONFORMING USES; AMENDING SECTION 154-16.-SIDE YARDS ON CORNER LOTS; AMENDING SECTION 154-17.-COMMERCIAL DESIGN STANDARDS; AMENDING ARTICLE IV.-DISTRICT REGULATIONS; AMENDING SECTION 154-18.-PROVISIONS APPLYING TO ALL DISTRICTS; AMENDING SECTION 154-19.-PURPOSE; AMENDING SECTION 154-20.-A-1 AGRICULTURAL DISTRICT; AMENDING SECTION 154-21.-R-1A SINGLE-FAMILY DWELLING DISTRICT; AMENDING SECTION 154-22.-R-1 SINGLE-FAMILY DWELLING DISTRICT; AMENDING SECTION 154-23.-R-2 MULTIFAMILY DWELLING DISTRICT; AMENDING SECTION 154-23.1.-R-2A TWO-FAMILY RESIDENTIAL DWELLING DISTRICT; AMENDING SECTION 154-24.-RESERVED; AMENDING SECTION 154-

25.-C-1 HIGHWAY COMMERCIAL DISTRICT; AMENDING SECTION 154-25.1.-PLANNED COMMERCIAL DEVELOPMENT (PCD) DISTRICT; AMENDING SECTION 154-26.-C-2 LIMITED COMMERCIAL DISTRICT; AMENDING SECTION 154-26.1.-C-2A PROFESSIONAL COMMERCIAL DISTRICT; AMENDING SECTION 154-27.-C-3 COMMERCIAL LIGHT MANUFACTURING DISTRICT; AMENDING SECTION 154-27.1.-PLANNED DEVELOPMENT (PD) DISTRICT; AMENDING SECTION 154-27.2.-THE HIW PLANNED DEVELOPMENT ORDINANCE; AMENDING SECTION 154-27.3.-HIGHLANDS COVE DEVELOPMENT ORDINANCE; AMENDING ARTICLE V.-ADMINISTRATION AND ENFORCEMENT; AMENDING SECTION 154-28.-PURPOSE; AMENDING SECTION 154-29.-ENFORCEMENT OFFICIAL; AMENDING SECTION 154-30.-BUILDING PERMIT APPLICATION; AMENDING SECTION 154-31.-CONSTRUAL OF BUILDING PERMIT, LIMITATIONS ON BUILDING PERMITS; AMENDING SECTION 154-32.-CERTIFICATE OF OCCUPANCY; AMENDING SECTION 154-33.-CHANGES AND AMENDMENTS; AMENDING SECTION 154-34.-PENALTIES FOR OFFENSES; AMENDING SECTION 154-35.-BOARD OF ADJUSTMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Lake Placid, Florida desires to amend the Town Code; and

WHEREAS, the Town Council, Local Planning Agency and Growth Management Committee approved the Report of the Lake Placid Area Growth Management Committee on May 29, 2007; and

WHEREAS, the Town Council adopted the “Town of Lake Placid 2030 Comprehensive Plan” on January 14, 2013, of which Objective 6 was added to the Future Land Use Element which includes policies specific to the Lake Placid Regional Plan; and

WHEREAS, amendments to the Town's Code are required to implement recommendations from the Growth Management Committee and the policies adopted in the Future Land Use Element of the "Town of Lake Placid 2030 Comprehensive Plan"; and

WHEREAS, amendments to the Town's Code are provided which remove inconsistencies and update references to Florida Statutes; and

WHEREAS, notice of this proposed Ordinance was published at least thirty (30) days prior to adoption in a newspaper of general circulation in the Town of Lake Placid; and

WHEREAS, the Lake Placid Local Planning Agency held a public hearing on said amendments on:

The ____ day of _____, 2016; and

WHEREAS, two public hearings were held by the Town Council on said Ordinance on:

The ____ day of _____, 2016; and

The ____ day of _____, 2016; and

WHEREAS, it appears in the best interest of the Town of Lake Placid that the Ordinance be adopted; and

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LAKE PLACID, FLORIDA:

SECTION 1. § 154-1. - PURPOSE.

The purpose of this chapter is to prescribe, restrict and limit, for the purpose of promoting the public health, safety, morals and general welfare, regulations of restrictions upon erection, construction, reconstruction, alteration, repair or use of buildings, structures or land, including the regulations and restrictions of the height, number of stories and size of buildings and other structures, the maximum number of families that may be housed in dwellings, the size of yards and other open spaces, the density of population and the location and use of such buildings, structures and land for trade, industry, residence, institutions, agriculture or other purposes; and for said purposes to divide the Town of Lake Placid into zones or districts of such number, shape and area as are deemed best suited to carry out the said purposes; and to provide a method of administration and enforcement and to provide penalties for violations of the provisions.

SECTION 2. § 154-2. - SHORT TITLE.

This chapter may be known and/or referred to as "Ordinance No. 114, as revised 1977."

SECTION 3. § 154-3. - ZONING MAP.

The zoning map referred to in this chapter is identified by the title "Revised Zoning Map of

Lake Placid, Florida, 1977," ["Town of Lake Placid Official Zoning Map, 1993,"] and such map and all explanatory matter thereon is hereby adopted and made a part of this chapter. Upon adoption of this chapter and the Revised Zoning Map of Lake Placid, Florida, 1977, or any amendment hereto, the chapter and map shall be appropriately dated and the original copies shall be signed by the mayor and by the town clerk and be attested to by the town attorney as evidence of passage. No purported map shall be recognized as the official map except those which are signed and attested as herein described or those which have been certified by the town clerk as being accurate, conformed copies as approved by the town clerk.

SECTION 4. § 154-4. - INTERPRETATION.

(a) In interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, comfort, prosperity and general welfare. It is not intended by this chapter to repeal, abrogate or annul any existing provisions adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises or with any private restrictions placed upon property by covenant, deed or recorded plat; provided, also that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires greater lot areas, larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or by such rules, regulations, or permits or by such private restrictions, the provisions of this chapter shall control.

(b) Any portion of this chapter which is deemed to be unclear shall be interpreted by the board of zoning adjustment created hereby, and such ruling as the board of zoning adjustment may make can be confirmed or reversed only by a court of competent jurisdiction in Highlands County, Florida.

SECTION 5. § 154-5. - DEFINITIONS AND WORD USAGE OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

Definitions have been relocated to Section 152-4. Definition of terms.

~~(a) Definitions. For the purpose of this chapter, the following words and terms shall have the meanings and definitions as stated herein, except that any word or term used but not defined shall have the definition specified in Webster's International Dictionary, latest edition.~~

~~*Accessory building or use:* A building, use of a building or use of land or water, which is clearly secondary and incidental to the principal use of a building, water or land, which building or use is located on the same parcel of land with the principal building or use.~~

~~*Advertising sign or structure:* Any sign, billboard, object, structure, written or printed matter which serves to give notice of, call attention to or advertise any product, service or subject matter.~~

~~*Alley:* Any public or private right of way less than sixteen (16) feet in width which affords~~

~~secondary access to property and is not intended for general traffic circulation.~~

~~*Alteration:* Any change in, addition to, deletion from or rearrangement of structures, walls, roofs, floors, wiring, pipes or other structural parts of a building, except customary maintenance or repair.~~

~~*Big box store:* A big box store is any building designed for or devoted to retail or commercial in which a single owner or tenant has over fifty thousand (50,000) square feet of floor area measured from inside the exterior wall. In no event shall a big box store exceed one hundred thousand (100,000) square feet of floor area, regardless of the lot size.~~

~~*Building:* Any structure constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, including mobile homes, campers, tents, billboards, signs, fences and similar structures, whether stationary or movable.~~

~~*Building height:* The vertical distance from the average finish grade elevation at the building line to the highest point of the structure.~~

~~*Building inspector:* The principal officer responsible for enforcing the zoning ordinance, as designated by the town council to serve this function.~~

~~*Building line:* The outer surface of the vertical wall of the principal building nearest the property line on any side.~~

~~*Camouflaged tower:* A communications tower designed to unobtrusively blend into the existing surroundings and be disguised so as not to have the appearance of a communications tower. Camouflaged communications towers on buildings, not including accompanying antenna mounts, must be disguised to appear as an accessory structure that is normally associated with the principal use occupying the property. Other camouflaged communications towers must be disguised to blend in with other facilities on the property or existing vegetation. Examples of camouflaged communication towers would be a communications tower constructed in the form and shape of a tree to be part of a forested area, or a tower constructed to appear to be a component of a bell or clock tower on sites with compatible buildings or a component of a church steeple on sites with churches. Surface finish, paint/or markings alone are insufficient to qualify for a determination as a camouflaged communications tower. Camouflaged towers shall not be lit.~~

~~*Club:* An association of persons for some common purpose not primarily a business or church. The term when used herein shall also mean "lodge," "fraternal order" or "society."~~

~~*Communication antennas:* An antenna designated to transmit and/or receive communications as authorized by the Federal Communication Commission.~~

~~*Communication towers:* Any structure intended exclusively to support communication antennas, excluding antenna mounts. Design examples of communication towers are described as follows:~~

- a. ~~Self-supporting lattice;~~
- b. ~~Guyed;~~
- c. ~~Monopole; and~~
- d. ~~Any other tower type structure as determined by the building official, or designee of the town council.~~

~~*Day nursery:* A nongovernmentally owned or leased building in which three (3) or more children under the age of sixteen (16) years are received for full or part time care, training or education, or any combination of these services, whether or not remuneration is paid the owner or operator. The term, when used in this chapter, shall also mean "kindergarten," "nursery school," "school for child care" and "child care centers," operated or intended to operate in a privately owned or leased building.~~

~~*Duplex:* A single building containing two (2) dwelling units.~~

~~*Dwelling:* A building designed and conventionally constructed or used primarily as a dwelling unit for one (1) or more families.~~

~~*Dwelling, multifamily:* A building used or designed for three (3) or more dwelling units.~~

~~*Family:* One (1) or more persons occupying a premises and living as a single nonprofit housekeeping unit.~~

~~*Frontage:*~~

~~*a. Street frontage:* All of the property abutting one (1) side of street right of way between two (2) intersecting streets, measured along the adjacent street right of way line in all directions.~~

~~*b. Lot frontage:* The width of a lot or parcel of land measured along the adjacent street right of way line between opposite property ownership lines.~~

~~*Garage apartment:* An accessory building which is or is intended to be detached from the principal building and which contains one (1) or more dwelling units, whether or not vehicular storage is or was intended.~~

~~*Garage, mechanical:* Any building or land used or intended to be used to accommodate automotive repair, rebuilding, reconstruction, painting, tire recapping, welding or servicing.~~

~~*Garage, private:* A building, attached to or detached from a principal structure, intended for the storage of automobiles or other wheeled property belonging primarily to occupants of the premises.~~

~~*Garage, public:* Any land or building used for the storage of automobiles, trucks or commercial vehicles, trailers, buses, tractors or other wheeled property primarily for non-occupants of the premises, whether or not remuneration is paid or received for such storage.~~

~~*Home occupation:* Any occupation, customarily a "home occupation" in Lake Placid, such as an office use, in connection with which there is kept no stock in trade or commodity sold upon the premises; not more than one (1) person not a resident of the premises is employed; and provided that such use is contained within the principal structure; in connection with which there is used no sign, other than an unlighted nameplate not more than two (2) square feet in area, nor display that indicates from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; also provided that such occupation shall not be permitted until a certificate of occupancy for its operation is applied for and granted by the building inspector upon his finding that such occupation will not violate the provisions or the intent of this chapter.~~

~~*Living area:* All of the area measured within the outside foundation walls of the principal structure, including such areas as utility rooms, pantries and storage closets, excluding such areas as attic storage, garages, carports, breezeways, patios and porches (screened, roofed or otherwise).~~

~~*Loading space:* A space on the lot or parcel of land accessible to an alley or street not less than twelve (12) feet in width, thirty (30) feet in depth and fourteen (14) feet in height.~~

~~*Lot:* A piece, parcel or plot of land occupied or to be occupied by one (1) principal building or use and its accessory buildings and embracing the open spaces required under this chapter.~~

~~*Lot, corner:* A lot abutting upon two (2) or more streets at their intersection.~~

~~*Lot coverage:* The vertical projection on the ground of the roof line of all structures, both principal and accessory, located on any lot or parcel of land.~~

~~*Lot, depth of:* The mean horizontal distance between the front and rear lot lines and at right angles to the front lot line.~~

~~*Mobile home:* Any dwelling unit or nonresidential structure that, in whole or major component, is or may be towed or transported along a public way.~~

~~*Motor home:* Any unit, such as a motor coach or camper, which can be described as a self-propelled vehicle fitted and equipped for living purposes, including facilities for sleeping and/or preparation of food.~~

~~*Nonconforming use:* An established use of a building or land which was lawful prior to and at the time of the adoption of the original zoning ordinance, or any revision thereto, that does not conform to and with the permitted use provisions of such ordinance for the district in which it is located.~~

~~*Principal building:* A building, including covered porches and attached carports, in which is conducted the principal use of the lot or parcel on which it is situated. In any residence district, any dwelling shall be deemed to be the "principal building" on the lot on which the same is~~

situated.

~~*Service station:* A building and land used or intended for use to dispense, sell or offer for sale any motor fuels, oils or automotive accessories, but where no major automotive repair, body rebuilding, welding, tire recapping or painting is or is intended to be performed.~~

~~*Street:* A public or private accessway sixteen (16) feet or more in width, dedicated or otherwise having legal sanction for unlimited public use; includes the terms "road," "avenue," "lane," "boulevard," "thoroughfare," "highway," "place," "way," "drive," "terrace" or other.~~

~~*Yard:* An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky and measured from the foundation line to the nearest front, side or rear property lines, except as may be specifically permitted.~~

~~a. *Front yard:* The yard extending across the entire width of the lot between the front lot line and the building line.~~

~~b. *Rear yard:* The yard extending across the entire width of the lot between the rear lot line and the rear building line of the principal building.~~

~~c. *Side yard:* A yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the side building line of the principal building.~~

~~(b) *Word usage.* Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; words used in the plural number shall include the singular number; the word "shall" is mandatory and the word "may" is permissive.~~

~~(Ord. No. 01-366, § 1, 6-11-01; Ord. No. 05-431, § 1, 8-8-05)~~

ARTICLE II. - ESTABLISHMENT AND BOUNDARIES OF DISTRICTS

SECTION 6. § 154-6. - ESTABLISHMENT AND ENUMERATION OF DISTRICTS OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

(a) For the purpose of administration and enforcement of this chapter, the area of the Town of Lake Placid is classified and divided by map into zoning districts subject to the regulations as set forth in article IV. The zoning district designations and titles in the town are:

Designation	Title
A-1	Agricultural District
	This district is appropriate for areas designated as Agricultural/ Residential (AR) and/or Low Density Residential (LDR) on the Future Land Use Map of the Comprehensive Plan.
R-1A	Single-Family Dwelling District
	This district is appropriate for areas designated as Low Density Residential (LDR) and/or Low-Medium Density Residential (LMDR) on the Future Land Use Map of the Comprehensive Plan.
R-1	Single-Family Dwelling District
	This district is appropriate for areas designated as Low-Medium Density Residential (LMDR) and/or Medium Density Residential (MDR) on the Future Land Use Map of the Comprehensive Plan.
R-2A	Two-Family Residential Dwelling District
	This district is appropriate for areas designated Low Density Residential (LDR) and Low-Medium Density Residential (LMDR) on the Future Land Use map of the Comprehensive Plan.
R-2	Multifamily Dwelling District
	This district is appropriate for areas designated Medium Density Residential (MDR) and/or Residential/Office (RO) and/or Low-Medium Density Residential (LMDR) on the Future Land Use Map of the Comprehensive Plan.
MH-1	Mobile Home Park District
<u>MH-1 (E)</u>	<u>Existing Mobile Home Park District</u>
	This district is appropriate for areas designated Medium Density Residential (MDR) on the Future Land Use Map of the Comprehensive Plan.
<u>MH-1 (E)</u>	<u>Existing Mobile Home Park District</u>

C-1	Highway Commercial District
	This district is appropriate for areas designated Commercial-General (CG) and/or Commercial-Intensive (CI) on the Future Land Use Map of the Comprehensive Plan.
C-2	Limited Commercial District
	This district is appropriate for areas designated Residential/Office (RO) and/or Commercial-General (CG) on the Future Land Use Map of the Comprehensive Plan.
C-3	Commercial Light Manufacturing District
	This district is appropriate for areas designated Commercial-Intensive (CI) on the Future Land Use Map of the Comprehensive Plan.
C-4	Flexible Commercial Development
	This district is appropriate for areas designated on the Future Land Use Map of the Comprehensive Plan.
<u>PD</u>	<u>Planned Development District</u>
	<u>This district is appropriate for areas designated on the Future Land Use Map of the Comprehensive Plan.</u>

(b) The designations and titles in the above, for the purposes of this chapter, are arranged in descending order from low density and high restrictions downward to high density and lower restrictions.

(Ord. No. 126, 11-10-80; Ord. No. 98-298, § 9, 9-14-98; Ord. No. 05-431, § 2, 8-8-05)

SECTION 7. § 154-7. - BOUNDARIES.

(a) District boundaries, on the revised zoning map adopted and designated in section 154-3, are hereby established and adopted as part of this chapter.

(b) Where any uncertainty exists or arises as to the location of any district boundary on said map, the following rules shall apply:

(1) Where district boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines of such streets, alleys or lot lines shall be construed to be such boundaries as existing or projected.

(2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(3) In unsubdivided property, or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map. In case any further uncertainty exists, the board of zoning adjustment shall interpret the intent of the map as to location of such boundaries.

(4) Boundaries indicated as approximately following town limits shall be construed as following town limits as they existed at the time of the establishment of the district boundary.

(5) Boundaries indicated as following a shoreline shall be construed to follow such shoreline, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline.

(6) Submerged lands, including waters over such submerged land, unless specifically zoned otherwise, are to be construed as being zoned in the same as the abutting upland.

SECTION 8. § 154-8. - RESERVED. LAKE PLACID REGIONAL PLAN OVERLAY DISTRICT OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 154-8. - Reserved. Lake Placid Regional Plan Overlay District.

(a) Purpose and Intent.

The purpose of the Lake Placid Regional Plan (LPRP) Overlay District is to implement the goals established in Objective 6 of the Future Land Use Element of the Lake Placid 2030 Comprehensive Plan for the area described on FLU Map 3, 2030 LPRP Growth Management Areas of the Lake Placid Future Land Use Map Series. The LPRP Overlay District standards included herein are designed to protect the character and intent of the Lake Placid area; recognize private property rights; and encourage sustainable development and conservation of environmentally sensitive lands and open space. The LPRP Overlay District is a planning tool to guide the transition of the Lake Placid area into a planned community and allows the annexation of properties into the Town to ensure development has public infrastructure.

(b) Applicability.

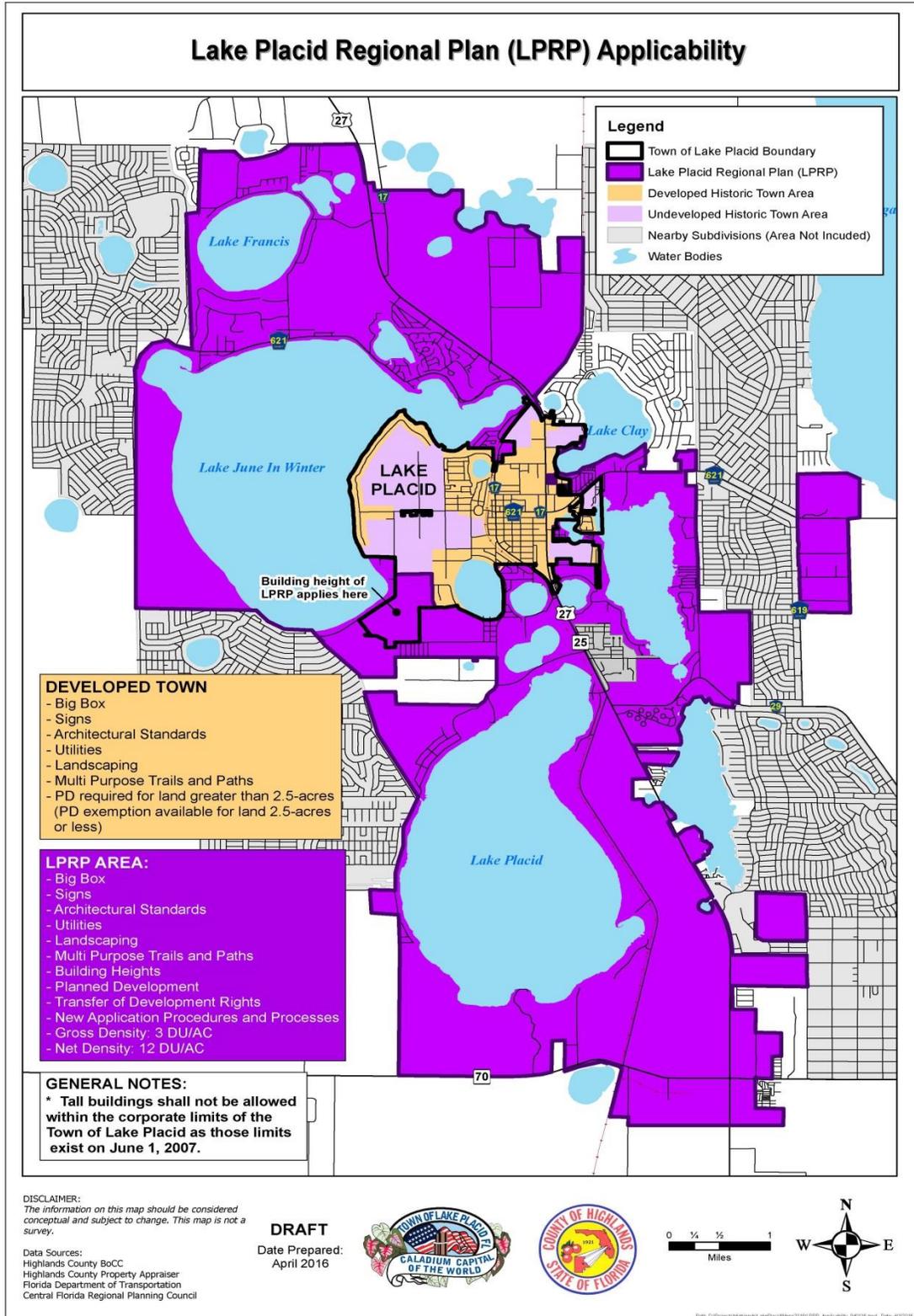
(1) This section applies to development within the LPRP Overlay District, the boundaries which are shown on FLU Map 3, 2030 LPRP Growth Management Areas of the Lake Placid Future Land Use Map Series. The LPRP Overlay District is geographically

described as including the lands on the Lake Wales Ridge bounded approximately by the State Road 70 corridor to the south, and near Lake Apthorpe and Lake Francis to the north. The major platted subdivisions, Placid Lakes, Leisure Lakes, Sun 'N Lake Estates, and Highlands Park Estates, are not included in the LPRP, but are considered for their potential affect on the LPRP Overlay District roadway network. Comprehensive Plan Future Land Use Map amendments and zoning changes in place or in process, and ultimately approved, which establish land use greater than those established in this Overlay District are not impacted by this Overlay District relative to density; provided however, all other aspects of the Overlay District apply.

- (2) Development (defined in Section 152-4 under Lake Placid Regional Plan) within the LPRP Overlay District shall be accomplished using a Planned Development (PD) Ordinance including without limitation, commercial, residential, industrial, parks, and lake shore parks. There shall be no land use change, plat, or rezoning or subdivision without a PD Ordinance. At the land owner's option, the PD Ordinance may be created at the same time or after a Future Land Use change. Development may proceed using zoning or land use existing at the time of the adoption of the LPRP without a PD Ordinance. Planned Developments shall be consistent with Section 154.27.1. Exemptions to this Section 154-8.(b)(2) include existing single family dwelling units following annexation. Parcels 2.5 acres or less within the Developed Historic Town Area may be considered for exemption to the PD requirement; however such parcels must meet all of the requirements of the proposed zoning district. The Town Planning and Zoning Official may make this determination.
- (3) The Lake Placid Regional Plan (LPRP) Applicability map (Figure 154-8.A.) indicates the areas in which the LPRP Overlay District applies. The Developed Historic Town Area is reflected on the map. Regulations specific to the Developed Historic Town Area include design requirements for Big Box retail, Signs, Architectural Standards, Utilities, and Landscaping. Parcels 2.5 acres or less within the Developed Historic Town Area may be considered for exemption to the PD requirement; however such parcels must meet all of the requirements of the proposed zoning district. The Town Planning and Zoning Official may make this determination.
- (4) The LPRP outside of the Developed Historic Town Area shall be guided by density policies allowing for a maximum of 3 dwelling units per gross acre by encouraging clusters with net densities not to exceed 12 units per net acre.
- (5) If there is any conflict between the provisions of this section and the underlying zoning district or other general provisions of the Land Development Code (LDC), the provision imposing the greater restriction or requirement shall prevail.
- (6) Development within the LPRP Overlay District shall be consistent with Objective 6 of the Future Land Use Element of the Town of Lake Placid 2030 Comprehensive Plan.

- (7) The Town of Lake Placid Land Development Code and the Highlands County Land Development Regulations regarding the Lake Placid Regional Plan areas shall be consistent in implementing the Lake Placid Regional Plan (similar to the consistency between Objective 6 of the Town of Lake Placid 2030 Comprehensive Plan Future Land Use Element and Objective 12 of the Highlands County 2030 Comprehensive Plan Future Land Use Element.
- (8) While the Town's and County's Future Land Use designations are comparable with regard to density and intensity, a Future Land Use Map amendment shall be required specific to the County's Medium and High Density Future Land Use categories to allow for variances to these categories. While the Town recognizes these categories, the Town does not allow for mobile homes and mobile home parks as allowed in unincorporated Highlands County.

Figure 154-8.A.



(c) **Development Principals of the Lake Placid Regional Plan.**

Development Principles. *Upon implementation of a Lake Placid Regional Plan Area, the following development principles shall be used as a guide to facilitate sustainable development.*

1. **Planned Development Process Required.** *All development within the Lake Placid Regional Plan Area shall be accomplished using a Planned Development (PD). There shall be no land use change, plat, rezone or subdivision without a PD (with the exception of existing agricultural uses and developed lands as defined in the LPRP Administrative Section, including existing single family dwelling units, following annexation). The PD may be created at the same time or after land use change, provided, however that development may proceed using zoning or land use existing at the time of the adoption of this policy without a PD, at the landowner's option.*
 - A. **Property Rights.** *Property rights regarding density, and land use (including land use and zoning changes in process) or property rights vested before the adoption of the LPRP Overlay District Land Development Regulations (LDRs) will continue to be vested or may select to utilize the standards created herein through the PD process. All other parts of the LPRP Overlay District LDRs apply to all development. However, this Vision and Plan does not establish density in platted or developed lands. The effective date of the Lake Placid Regional Plan Area Overlay is January 1, 2017.*
 - B. **Planning Framework.** *The LPRP Overlay District LDRs establishes the framework for development of the Lake Placid Area. In some cases, it establishes minimum criteria for development. However, the LPRP Overlay District LDRs does not establish all development parameters needed for the Lake Placid Area. The PD process will apply reasonable development standards based upon the site and surrounding lands which may be set at a level beyond minimum standards within the LPRP Overlay District LDRs.*
2. **Density.** *The Lake Placid Regional Plan Area Overlay outside of the Developed Historic Town Area shall be guided by density policies allowing for a maximum of three (3) dwelling units per gross area and twelve (12) units per net acre which encourages clustering open space and pedestrian connectivity.*
 - A. **Density.** *The residents of the Lake Placid Area like the quality of life provided by its low to medium residential densities. New residents are attracted to the Lake Placid area for the same reason. New development (not developed lands) in the area shall have a gross density of up to three (3) residential dwelling units per acre. Existing residential platted or otherwise developed lands may apply to redevelop said platted lands at the densities herein addressed.*
 - B. **Clustering and Transfer of Density.** *In order to maximize open space and green areas including sustainable agriculture, development clustering and transfer of*

density within a specific area is permitted. To achieve these goals, the use of innovative development techniques, such as but not limited to, the following: varying lot patterns and sizes, taller buildings with varied heights and roof lines, mixed uses, including residential above or as part of commercial, and office development. Maximum density per development parcel for residential land use shall be twelve (12) units per net acre within the overall gross density cap of three units per acre for the area.

1. Residential density may be transferred or clustered only through the PD process.
2. Density may only be transferred within each identified planning area and not to another planning area.
3. No residential area should be established in or be transferred from the Paul Business Campus to other lands.
4. The Highlands County Land Development Regulations Section 12.13.300 shall apply to all transfer of development rights applications.
5. Residential density may be transferred or clustered only through the PD process to achieve the vision of the Lake Placid Area and upon the following general concepts:
 - a. **Legislative Approval.** Transfer and clustering of density is not an automatic right. The PD process shall be used to assure that transfer and clustering of density remains reasonable and within the LPRP Overlay District LDRs. For cluster and transfer of density purposes, density on a parcel of land is vested for the sending parcel when the owner joins this plan (once approved) by recorded document. Transfer of density is set forth in Section 12.13.300 of the Highlands County Land Development Regulations as adopted in Section 155.13.(5).
 - b. **Land Standards Compatibility with Surrounding Development.** Consideration shall be given to the surrounding uses when transferring or clustering density to an area. Appropriate safeguards shall be applied in the PD process to protect surrounding land uses.
 - c. **Environmental Lands.** Transfer and clustering of density should be used to encourage the dedication to public use, ownership, and protection of environmentally significant lands.

- d. **Net Density.** Within the three (3) units per gross acre, individual parcels ranging in size may be developed at a residential density of up to and including twelve (12) units per net acre.

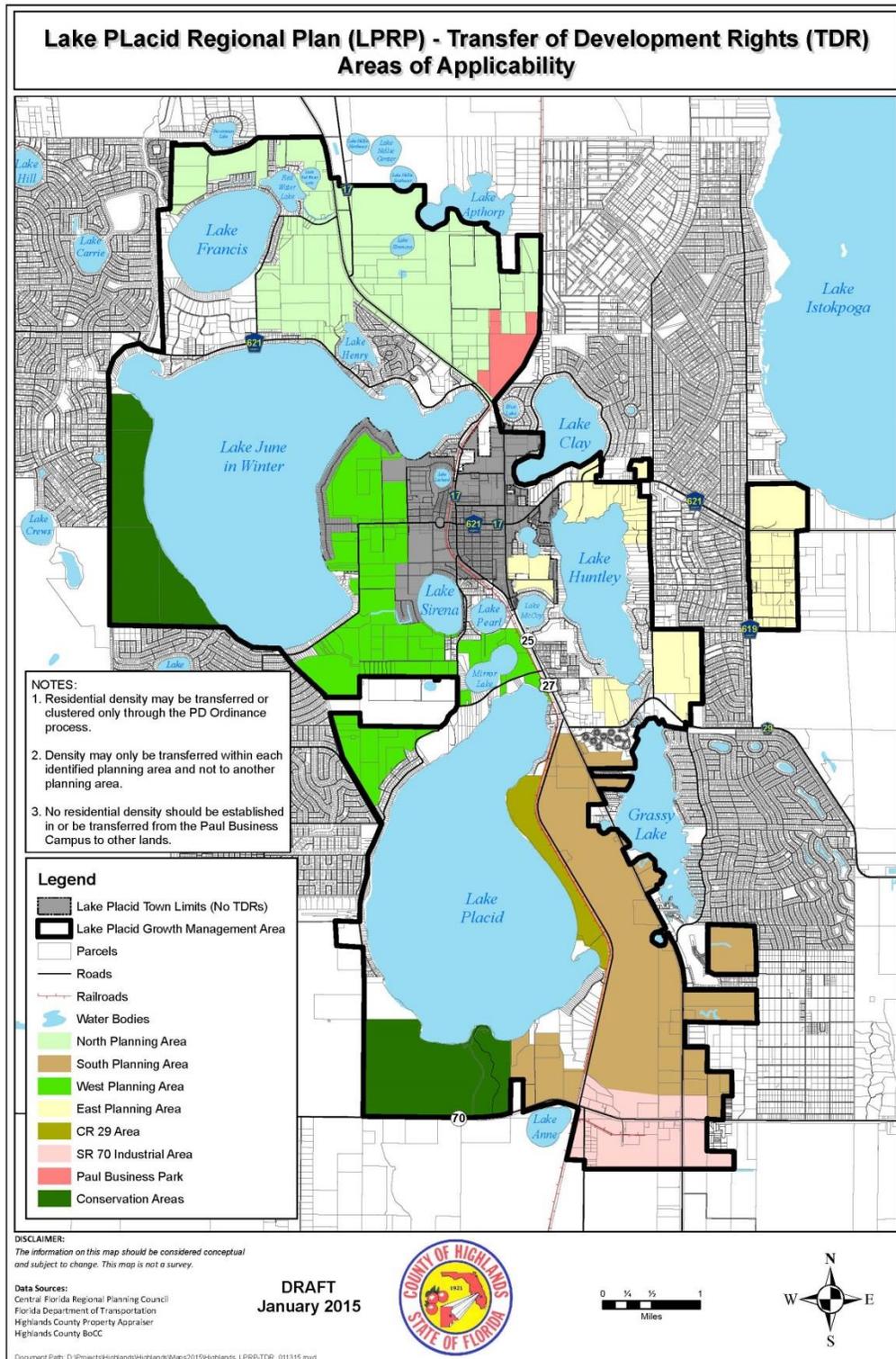
- e. **Density Transfer.** Subject to the provisions of this section, density may be transferred only within an area identified within this Lake Placid Regional Plan Area Plan. For example, density may be transferred within the South Area, but not from the South Area to any other property or area (i.e. North Area). Density may be transferred from the SR 8 Sub-Area to the balance of the South Area. Density may not be clustered to or transferred to the SR 8 Sub-Area. The Lake Placid Regional Plan (LPRP) – Transfer of Development Rights (TDR) Areas of Applicability map identifies the planning areas referenced above.

- f. **Protection of Clustered and Transferred Density.** When density is transferred or clustered, the land relieved of density shall be encumbered by a recorded easement or conservation easement, and PD prohibiting the re-imposition of density forever. Such instruments may prohibit any development of the restricted area or reduce density of a defined area.

- g. **Lakes.** When considering the transfer and clustering of density to lake areas, additional safeguards for the lake and existing riparian owners, such as preservation of shore line, height restriction, open space, setbacks, and lake size shall be required in the PD.

- h. **Developed or Platted Lands.** Density may not be clustered or transferred to or from developed or platted lands.

Figure 154-8.B.



SECTION 9. § 154-9. - PERFORMANCE STANDARDS.

These regulations shall apply in all districts in which a permitted use would fit the conditions regulated herein.

- (a) *Smoke, dust and dirt.* There shall be no emission of visible smoke, dust, dirt, fly ash or any particulate matter from any pipes, vents or other openings, or from any other sources, into the air. All fuel shall be either smokeless in nature or shall be used so as to prevent any emission of visible smoke, fly ash or cinders into the air.
- (b) *Fumes, vapors and gases.* There shall be no emission of any fumes, vapors or gases of a noxious, toxic or corrosive nature which can cause any damage or irritation to health, animals, vegetation or to any form of property.
- (c) *Sewage.* There shall be no discharge at any point of liquid or solid waste into any sewage disposal system which will overload such system or create detrimental effects in the flow and treatment of sewage. There shall be no discharge of industrial wastes into any sewage disposal system, stream, lake or into the ground of a kind or nature which would contaminate any water supply or otherwise cause the emission of dangerous or objectionable health elements or conditions. There shall be no accumulation of solid wastes conducive to breeding of rodents or insects.
- (d) *Heat, cold, dampness or movement of air.* Activities which shall produce any adverse effects on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.
- (e) *Noise.* The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not at any time exceed the average noise level prevailing for the same hour, as generated by street and traffic activity in the neighborhood. When in question, the determination of noise levels shall be measured by a sound level meter that conforms to the specifications published by the American Standards Association.
- (f) *Odor.* There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive, obnoxious or unpleasant beyond the property line of the lot on which the principal use is located. Any process, including the preparation of food, which may involve the creation and emission of such odors shall be provided with both a primary and a secondary safeguard system so that odor control may be maintained in the event of failure of the primary safeguard system.

SECTION 10. § 154-10. - SWIMMING POOLS OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 154-10. - Swimming pools.

- (a) Use of swimming pools is permitted in C Districts under the same regulations as a commercial retail use and may be used for commercial purposes. Pools located in any PD, R

or A-1 District shall meet the following requirements. All pools shall meet county health department regulations with respect to water purity and filtration.

- (b) Requirements for pools located in PD, R or A-1 Districts:
- (1) *Location*. Swimming pools shall be located only within areas which permit the principal building or the accessory buildings, as measured to the edge of the water.
 - (2) *Fencing*. All swimming pools shall be completely enclosed by a protective fence or a wall not less than four (4) feet high.
 - (3) *Private use only*. No pool in any PD, A-1 or R District may be used for commercial purposes.
 - (4) *Screen enclosures*. Screen enclosures over and around swimming pools shall be erected so as to conform to set back requirements of accessory buildings; however, such enclosures may be attached to the principal building.
 - (5) *Lighting*. Lighting for pools shall be located and installed such that no direct light nor reflected light is visible on adjoining property.

SECTION 11. § 154-11. - HEIGHT EXCEPTIONS OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 154-11. - Height exceptions.

The provisions of this section shall apply to all districts in which the use to which they pertain is permitted. Building height regulations specific to tall buildings are provided in Section 154-13 and on Figure 154-8.A.

- (a) *Building projections and towers*. Chimneys; water, fire, radio and television towers; church spires; domes; cupolas; cooling towers; elevator bulkheads; smoke stacks; flagpoles; parapet walls and similar structures, and their necessary mechanical appurtenances, may be located above the height limits herein established; however, the heights of these structures or appurtenances thereto shall not exceed the height limitations set forth by any airport zoning regulations affecting the area.
- (b) Fences, walls and hedges shall adhere to the following limitations and requirements:
 - (1) Within residential zones, fences or walls may be erected, placed or maintained on any lot line or within any rear or side yard if not more than six (6) feet in height, or four (4) feet high in front yard areas, measured from the natural contour of the ground on the adjoining lot or on the particular lot, whichever is lower.
 - (2) Where a residential lot abuts nonresidentially zoned property, a screen or fences, walls or hedges not less than six (6) feet nor more than eight (8) feet in height shall be required.

- (3) Where unusual circumstances indicate a present or potential need of such barrier, the board of zoning adjustment may require a barrier of up to ten (10) feet in height.
- (4) On a corner lot in a residential area, no fence, wall, structure, hedge, planting or foliage shall be erected, maintained or established within twenty-five (25) feet of the lot corner which will obstruct the view of a driver of a vehicle approaching a street intersection, and in no case shall such fence, wall hedge, structure, planting or foliage be of a height greater than four (4) feet above the abutting street level.

SECTION 12. § 154-12. - OPEN YARD STORAGE OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 154-12. - Open yard storage.

(a) C-1 and C-2 Districts:

- (1) In areas classified as C-1 and C-2, no lot may be fenced and utilized for open yard storage unless the storage is solely to store products incident to the operation conducted on the same lot and said lot shall be licensed for that primary use.
- (2) The fenced-in area may not exceed fifty (50) percent of the enclosed building area; provided, however, that no fence shall exceed eight (8) feet in height or less than six (6) feet minimum. Any variance to maximum or minimum must be granted by the town council. All such fences are to be constructed of such a nature and material as to totally obstruct from view all items stored therein. No sheet metal shall be used for fence construction, and all such fences shall be maintained in good order.

(b) C-3 Districts:

- (1) On C-3 zoned properties, the entire area may be fenced for open yard storage, provided that adequate off-street parking is provided within the confines of the fence. In the event that parking is not provided, then all fencing shall be offset from the front lot line not less than twenty (20) feet.
- (2) The type of construction and minimum and maximum heights shall be the same as provided in C-1 and C-2.

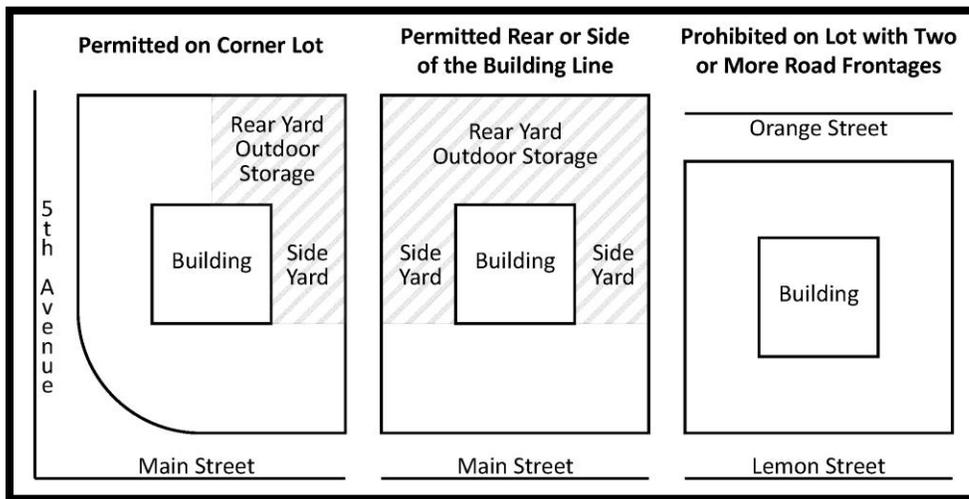
(c) In the event of violating of any of the foregoing conditions, the license shall be revoked upon ten (10) days' notice, provided that the infraction is not corrected within said ten-day period.

(d) To maintain the aesthetic character of the Town, all outdoor storage shall meet the following standards. Figure 154-12.A. provides illustration of outdoor storage options for various lot configurations.

1. Outdoor storage shall be allowed to the rear and sides of the lot.
2. Outdoor storage may be located in one side yard, not both side yards.
3. Outdoor storage forward of the front building line is prohibited.

4. On corner lots, outdoor storage shall not extend toward the road frontage by more than one half the length of the building structure in the rear yard or forward of the front building line in the side yard.
5. Outdoor storage shall be prohibited on through-lots.
6. Outdoor storage for multiple buildings, within a project or on a parcel, shall be permitted in a manner consistent with the intent of Figure 154-12.A. Outdoor storage for multiple buildings shall only be permitted behind the front building line of the building that is farthest from any street.
7. All outdoor storage shall be screened from off-site view.

Figure 154-12.A.
Outdoor Storage



SECTION 13. § 154-13. --RESERVED. TALL BUILDING HEIGHT OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 154-13. --Reserved. Tall Building Height.

The Town shall manage building height to ensure the community’s “neighborly small town” integrity is maintained and many view sheds are protected for present and future residents of the Town of Lake Placid and the Greater Lake Placid Area.

- (a) Tall buildings are not a right. The appropriateness of a tall building, including site, architecture, and height, shall be determined through the PD zoning process.
- (b) Tall buildings are defined as follows: Tall buildings exceed the height allowed by existing zoning and may be as tall as, but not more than 108 feet tall for residential and commercial structures; or 128 feet tall, which would include 2 parking floors, excluding the

architectural roof treatment complementing the building. There shall be no more than nine residential/commercial floors. Tall Buildings shall have architectural features on the top. Roof treatments are required and therefore not included in the calculation of the building height. Mechanical features, such as cooling, heating, and elevators, shall not be open to exterior view. The height of the architectural treatments must be approved through the PD zoning process.

(c) Tall buildings may be allowed within areas specified as residential, commercial, and mixed use through the use of PD zoning, and upon the following:

1. *Impact.* The actual height of individual buildings and the location of buildings over three (3) stories will be determined at the time of PD zoning approval for the proposed development.
2. *Density.* Tall buildings may not be used to increase gross density. However, density may be clustered in the area of tall buildings up to 12 dwelling units per net acre on the subject parcel.
3. *Added Green Space.* The impact of tall buildings shall be offset by the addition of green space; not parking or water management facilities. The additional green space shall be in the vicinity of the tall building and shall increase proportionately with the mass of the building.
4. *Neighborhood Opinion.* Neighborhood opinion should be considered.
5. *Minimum Land Area.* Tall buildings shall be on proportionately larger parcels of land, not counting natural water bodies.
6. *Commercial Nodes.* Tall buildings, especially mixed use tall buildings, shall be encouraged in commercial nodes.
7. *Mitigation.* Tall buildings shall be situated on the site in such a way as to minimize negative impacts on scenic vistas, which may include lake or significant natural landscape features. A variety of building heights in residential structures may be allowed in order to create a panorama and interest in the horizon.
8. *Enforcement.* The final development shall be documented by a PD development order and a deed restriction, condominium covenant or easement.
9. *Architecture.* Tall buildings shall have significant architectural features.
10. *Green Space Requirements.* Green space requirements shall increase to at least 40% if residential and/or commercial development is proposed for four (4) or more stories in height to encourage the use of structured parking and to mitigate building height. This additional green space shall be in the area of the taller building.

11. Town. Tall buildings, as defined in this section, as amended from time to time, shall not be allowed within the corporate limits of the Town of Lake Placid as those limits existed on June 1, 2007 as shown in Figure 154-8.A. in Section 154-8.

SECTION 14. § 154-14. - NONCONFORMING USES.

(a) *Purpose and intent.* It is the purpose and intent of this section to permit the continuation of those lots, structures, uses, characteristics of use or combination thereof, which were lawful prior to the passage of this code or future amendment thereto. For purposes of this code, a nonconforming lot, structure, use, or characteristic of use, is defined as a platted lot, structure, or use, or combination thereof that does not comply with the use or site development standards of the zoning district in which the lot, structure, use, or characteristic of use, or combination thereof is located, but which was legally established and in existence before the effective date of this code.

This section is designed to provide reasonable and equitable standards and guidelines for the control of nonconforming lots, structures, uses, and characteristics of uses in the regulation of change of use, change in kind or quality of use, change in volume or intensity of use, change in location of use, change of ownership or tenancy of use, accessory or incidental uses to nonconforming lots, structures, uses, or characteristics of uses, enlargement of use, replacement of use, addition or expansion of facilities, new activities, products or services connected with the nonconforming lot, structure, repair of a nonconforming structure, restoration of a nonconforming structure, and abandonment or discontinuance of a nonconforming structure or use, or any combination thereof.

It is the further purpose and intent of this section to allow nonconforming lots, structures, uses, and characteristics of use and combinations thereof to continue, subject to specific conditions, in order to not interfere with the existing circumstances surrounding land development within the Town of Lake Placid, prior to the effective date of this code any more than is necessary for the proper exercise of police powers relating to the general public welfare of the residents of the Town of Lake Placid.

(b) *Nonconforming classifications.* Within the zoning districts established by this code, or amendments that may be later adopted to this code, there may exist:

- (1) Nonconforming lots;
- (2) Nonconforming structures;
- (3) Nonconforming uses;
- (4) Nonconforming characteristics of use;
- (5) Combinations of nonconforming lots, nonconforming structures, nonconforming uses and nonconforming characteristics of use.

These nonconforming classifications are declared by this section to be incompatible with present permitted uses and all or part of the site development standards regulating permitted uses in the district where the nonconforming classifications are located and, therefore, are the proper subject regulations as provided for herein.

(C) *Scope.* In order to avoid undue hardship, nothing in this section shall be deemed to require any change in the plans, construction or designated use of any structure on which actual construction was lawfully done prior to the effective date of adoption of this code and upon which actual building construction has been carried on diligently.

For the purposes of this section, the term "actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner according to approved plans for the specific improvement. Where evacuation or demolition or removal of an existing structure has been substantially begun, preparatory to building, such evacuation or demolition or removal shall be deemed to be actual construction; provided, however, that work has been and shall be carried on diligently pursuant to a valid building permit.

(d) *Nonconforming lots of record.* In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory building may be erected on a single lot, tract, or parcel of land of record at the effective date of adoption of this code, notwithstanding limitations imposed by other provisions of this section.

Such lots must be in separate ownership and not be of continuous frontage with other lots on the same ownership. This provision shall apply even though such lot fails to meet the requirements for area, width or depth, that are applicable in the zoning district in which the lot, parcel, or tract is located, provided, however, that required yard or area dimensions and requirements other than those site development standards applying to area, width or depth shall conform to the regulations for the zoning district in which such lot is located. The lots should be in compliance with setbacks and living area for lots in the R-1 Zoning District.

If two (2) or more lots, or combination of lots, or portion of lots with continuous frontage and single ownership are of record at the time of the passage of this code, and if all or part of the lots do not meet the requirements established for lot areas, width or depth, the lands involved shall be considered to be an undivided parcel and no portion of such parcel shall be used or sold in a manner which diminishes the degree of compliance with established lot width, area and depth requirements, unless approved by town council to be separate, buildable, lots for single-family dwellings.

(e) *Nonconforming uses of land.* The lawful use of land existing at the time of the passage of this code or an amendment thereto, although such uses do not conform to provisions of this code may be continued subject to the following limitations and restrictions.

(1) *Change in location of use.* A nonconforming use shall not be moved in whole or in part to any other portion of the lot parcel occupied by such use at the effective date of adoption of this code.

(2) *Change in ownership or tenancy.* All rights and obligations associated with a nonconforming use of land run with the land and are not personal to the present owner or tenant of the nonconforming use of land and are not affected by a change in ownership or tenancy, except if abandoned.

(3) *Accessory uses.* Uses, accessory to a nonconforming use, not in existence at the time of the effective date of adoption of this code, are not permitted.

(4) *Change to a more restrictive category of use.* A nonconforming use may be changed to a more restrictive category of nonconforming use as the resulting change reduces the degree of the nonconformity with applicable site development standards and use regulations. For the purpose of this section, a more restrictive category shall be a use or site development standard contained within a more restrictive zoning district.

(5) *Expansion or extension of use.* No nonconforming use shall be enlarged, increased, expanded or intensified beyond what existed at the time it became nonconforming.

(6) *Replacement of use.* In the event that any existing nonconforming use as provided for in this section is destroyed by more than fifty (50) percent of its assessed value at the time of destruction as determined by the official records of the Highlands County Property Appraiser by any means, including fire, flood, wind, explosion, demolition, act of God, or act of a public enemy, such use shall not be replaced.

If such nonconforming use is destroyed to a level of less than fifty (50) percent of its total assessed value at the time of destruction as determined by the official records of the Highlands County Property Appraiser, it may be replaced, except that replacement can only occur in compliance with those building, plumbing, electrical, gas, fire, and other construction and safety related regulations in effect at the time of application for a permit to allow replacement. In no event shall the destroyed nonconforming use be replaced to a degree or level more restrictive than the original use as to height, lot coverage, total floor area, bulk, or yard setback requirements.

(7) *Abandonment or discontinuance of use.* The abandonment or discontinuance of a nonconforming use for a period of one hundred eighty (180) consecutive days or six (6) months shall render the nonconforming use status of the specific nonconforming use null and void. In the factual determination of whether a nonconforming use has been abandoned or discontinued, the following factors shall be used, but not be limited to:

a. An intent to discontinue the nonconforming use through removal of stock in trade or removal of operating equipment.

b. Some overt act or failure to act which carries with it a sufficient implication that the owner neither claims nor retains any interest in the use of the abandoned property as it stood before the abandonment occurred. The mere renewal and maintenance of an active occupational license, without further positive action, shall not constitute continuance of a nonconforming use.

c. Inactive water, sewer, and electrical services at the existing facility.

(f) *Nonconforming structures.* Where a lawful structure exists at the effective date of adoption or amendment of this code, and it could not be built under the terms of this code by reason of restrictions on area, lot coverage, height, yards, location of the lot, or other site development standards concerning the structure, such structure, except as otherwise specifically provided, may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) *Alteration, enlargement, or expansion of nonconforming structure.* No such alteration, enlargement, or expansion of a nonconforming structure shall be permitted in a way which increases its noncompliance with present property development and use standards of the zoning district in which it is located, but any nonconforming structure or portion thereof may be altered to decrease its noncompliance with present site development and use standards of the zoning district in which it is located. Nothing herein shall prohibit the director from ordering the compliance with all applicable building construction and safety related codes.

(2) *Replacement, restoration and reconstruction of nonconforming structure.* In the event that any existing nonconforming structure is destroyed by any means, including fire, flood, wind, explosion, act of God, or act of a public enemy by less than fifty (50) percent of its total appraised value according to the latest records of the Highlands County Property Appraiser, such structure shall be permitted to be replaced, restored, or reconstructed according to the site development standards in effect at the time of its original construction except that replacement, restoration and reconstruction can occur only in compliance with all other applicable building, plumbing, electrical, gas, fire and other construction and safety related regulations in effect at the time of application for permit to allow replacement, restoration, or reconstruction. In no event shall the destroyed nonconforming structure be replaced to a degree or level more restrictive than the original structure as to height, lot coverage, floor area, yard setbacks or other applicable site development standards at the time of its original construction.

(3) *Repairs and maintenance of nonconforming structures.* Routine repairs and maintenance of nonconforming structures on fixtures, wiring or plumbing or on the repair or replacement of walls shall be permitted.

(4) *Change in location of nonconforming structure.* Should any nonconforming structure be moved for any reason to any distance whatever from its original permitted location, it shall then conform to the regulations for the zoning district in which it is located after it is moved.

(5) *Accessory structure.* Structures normally accessory or incidental to a permitted structure or use in the zoning district in which the nonconforming structure is located may be permitted as accessory structures to the nonconforming structure.

(6) *Abandonment or discontinuance of nonconforming structure.* The abandonment or discontinuance of a nonconforming structure for a period of one hundred eighty (180) consecutive days or six (6) months shall render the nonconforming structure status of the specific nonconforming structure null and void.

(g) *Nonconforming characteristics of use.* Characteristics of use, such as off-street parking, off-street loading, and landscaping requirements, shall be interpreted to be synonymous with a part of the nonconforming classification of uses and structures legally permitted and existing at the time of the passage of this code or an amendment thereto, although such characteristics of use do not conform to the provisions of this code.

(h) *Nonconforming lots, structures, uses and characteristics of use in combinations.* If on the effective date of this code, a lot of record, structure, use or characteristics of use of land, in any combination thereof, exists that would not be permitted under the terms of this code, but was lawful at the time of its original existence, that use may be continued unless otherwise deemed abandoned or terminated or required to be eliminated or brought into conformance by other applicable provisions of this code. Subsections (e) and (f) shall apply to all nonconforming lots or record, structures, uses and characteristics of use, and combinations of any or all of them.

SECTION 15. § 154-16. - SIDE YARDS ON CORNER LOTS.

The side yard adjacent to the secondary street on a corner lot shall provide a setback of twenty (20) feet for the rear portion of the lot within fifty (50) feet of the rear lot line and at least twelve (12) feet for the remainder of the lot to the front building line.

SECTION 16. § 154-17. COMMERCIAL—~~DESIGN~~ ARCHITECTURAL STANDARDS OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 154-17. ~~Commercial-Design~~ Architectural Standards

This section applies to all commercial and associated commercial accessory structures. All buildings within the Agricultural Future Land Use and Zoning districts within the Lake Placid Regional Plan (LRPR) areas are exempt from the regulations in Section 154-17. The Town may adopt an appendix containing graphics and images of desired architectural styles to serve as a guide for developers.

Section 154-17.1. Primary facades on commercial building. Primary facades on commercial buildings shall be constructed according to the following standards:

- 1) Definitions.
 - A. Facade means the exterior face of the building.
 - B. Primary facade means a facade that faces a public or private street, entry courtyard or right-of-way. A maximum of two (2) facades

will be considered primary facades, when more than two (2) facades of a building have frontage on public streets.

2) **Color.** ~~An Earth tones palette~~ (browns and beiges) are encouraged to the maximum extent possible. The use of black, ~~fluorescent floreseent~~, primary and secondary colors ~~is~~ should be limited to no more than ten (10) percent of the affected facade, or the roof area. Building trim and accent areas may feature any color.

3) **Exterior building materials.**

A. The following is a non-comprehensive list of preferred exterior building materials:

i. Stucco;

ii. Concrete;

iii. Brick;

iv. Wood; and

v. Stone veneer.

B. The use of neon or neon-type tubing is not permitted to outline the exterior or the roof of a building.

C. The following ~~may~~ shall not be used as exterior finishes: Metal (except for the roof, mansard, ~~soffit~~ soffit, fascia and ten (10) percent exterior finish), struck concrete block, plywood, T-111 and similar products.

D. Upon temporary approval by the mayor in an emergency, a mobile and/or modular unit shall be exempt from the exterior building material requirement. Mobile and modular (movable) (except as approved by the mayor in emergency and for less than nine (9) months) units may not be used as temporary or permanent commercial buildings. Mobile and modular units shall not be used as temporary or permanent commercial or industrial buildings, except as approved by the mayor in an emergency and for less than nine (9) months or until not needed, whichever comes first.

4) Primary facades.

- A. Buildings located along a public or private street or pedestrian right-of-way shall be designed with an entrance to the building or an entry courtyard facing or abutting the street or pedestrian right-of-way.
- B. Design features. The design of the primary facades shall include, at a minimum, two (2) of the following design features:
 - C.—i. Glazing covering at a minimum thirty (30) percent of the primary facade area, consisting of window and glazed door openings.
 - D.—ii. Projected, or recessed covered public entry providing a minimum horizontal dimension of eight (8) feet, and a minimum area of one hundred (100) square feet.
 - E.—iii. Covered walkway, or arcade (excluding canvas type). The structure shall be permanent, and its design shall relate to the principal structure. The minimum width shall be eight (8) feet, with a total length measuring sixty (60) percent of the length of the associated facade.

5) Out-parcels.

- A. Primary facades. All facades on an out-parcel building which face a street (public or private) are considered primary facades and shall be constructed as primary facades (provided however that one (1) side of the building may be constructed without facade compliance). Out-parcels are not limited by subsection 154-17.1(1)(B) to two (2) facades.
- B. When the use of common wall, side-by-side development occurs, continuity of facades and consolidated parking for several businesses on one (1) parking lot may be used.
- C. Out-parcel structures that are adjacent to each other must provide for vehicular connection between their respective parking lots and provide for connection of pedestrian walkways.

§ 154-17.2. Roof treatments. Roof treatments on commercial buildings shall be constructed to the following standards:

1) Roof types and materials.

A. The following roof types are permitted:

- i. ~~Domed~~;
- ii. ~~Gabled~~; or
- iii. ~~Hipped~~.
- iv. Parapet

B. The following roof materials are permitted, exclusively:

- i. Tile;
- ii. Metal; or
- iii. Shingles, except that asphalt shingles are prohibited, unless such asphalt shingles are laminated, three hundred twenty (320) pound, thirty-year architectural grade asphalt shingles or better.

C. Mansard roofs and canopies are prohibited, unless they meet the following standards:

- i. Minimum height clearance of eight (8) feet is required for buildings larger than twenty thousand (20,000) square feet;
- ii. Minimum height clearance of six (6) feet is required for buildings of up to twenty thousand (20,000) square feet of gross floor area;
- iii. The roof angle shall not be less than twenty-five (25) degrees, and not greater than seventy (70) degrees.

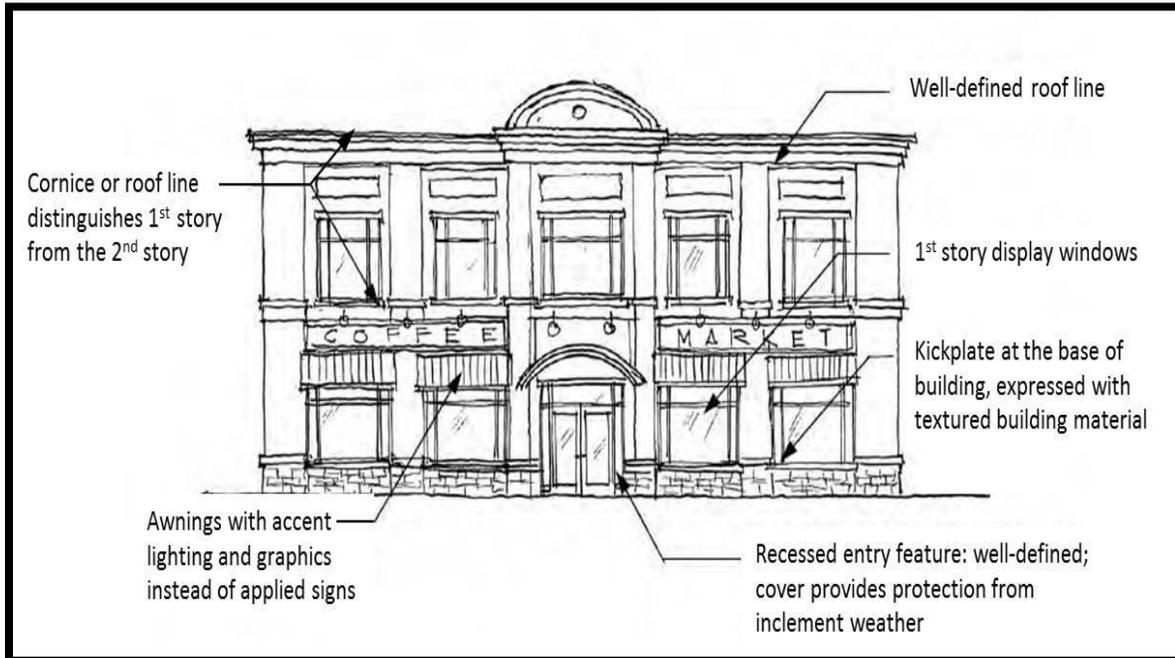
2) Parapets.

A. Capped parapets are required on all flat roofs.

- B. If a roof contains rooftop equipment, the parapet must be sufficient to conceal such rooftop equipment from ground-level public view.

Figure 154.17.2.A.

Architectural Terms



§ 154-17.3. Ceilings in commercial buildings.

- 1) Interior ceilings in commercial buildings ~~may~~ shall be no less than ten (10) feet above the floor height immediately below the ceiling section in question.
- 2) Pre-existing, noncomplying buildings ~~may apply for an exception to this requirement prior to redevelopment or a new use~~ are exempt from this requirement.

SECTION 17. § 154-18. - PROVISIONS APPLYING TO ALL DISTRICTS OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 154-18. - Provisions applying to all districts.

Regulations under this section shall apply in all zoning districts as to all buildings and uses of land or water, unless otherwise altered or provided in district regulations.

- (a) *Height.* No structure or building shall be erected, nor shall any existing building be moved, reconditioned or altered for use, so as to exceed in height the limit established by Section 154-13. or this chapter or amendments thereto for the district in which such building or structure is located.
- (b) *Use.* No building or structure shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed or intended to be used for any purpose or in any manner other than a use designated in this chapter or amendments thereto as permitted in the district in which such land, building, structure or premises is or are located.
- (c) *Percentage of lot coverage.* No building or structure shall be erected, moved, altered, enlarged or rebuilt, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the building site or lot requirements and the area and parking space and yard regulations established by this chapter or amendments thereto for the district in which such building or structure is located.
- (d) *Open space use limitations.* No yard or other open space provided about any building or structure for the purpose of complying with this chapter or amendments thereto shall be considered as providing a yard or open space for any other building or structure.
- (e) *Required lot.* Every building or structure hereafter erected shall be located on a lot or tract as defined herein.
- (f) *Established setback lines.* Where setback lines have been established on subdivision plats recorded in the records of Highlands County, by ordinance of the town or by this chapter, from right-of-way lines, such setback lines shall be measured perpendicular to and from the right-of-way line at midlot to the front building line. If setback lines of a greater depth are required by one or the other of the above-listed sources, the most restrictive shall govern. No permit shall be issued which would place a new structure or addition to a structure closer to a front property line than any existing structures on lots within one hundred fifty (150) feet on either side in the same block front.
- (g) *Vacated right-of-way.* Whenever any public right-of-way is vacated and reverts to adjoining property ownership, the zoning regulations applicable to the property to which the former right-of-way is added shall apply to the vacated right-of-way up to the new property line established by the vacating procedure.
- (h) *Curb cuts.* In order to promote the safety of motorists and pedestrians and to minimized traffic congestions and conflict by reducing the potential points of contact, the following regulations shall apply:

(1) Curb cuts to private property intended for vehicular use into and/or from a public street shall not exceed twenty-four (24) feet in width nor be less than ten (10) feet at the right-of-way line, except as may otherwise be provided.

(2) The maximum number of curb cuts permitted into any street shall be:

Lot Width Abutting Street (feet)	Number of Points
Less than 60	1
60 to 150	2
Over 150	2, plus 1 for each additional 60 feet

(3) No curb cut nor driveway apron shall be permitted nearer than thirty (30) feet to any intersecting street curb or the proposed location of an intersecting street curb.

(4) There shall be a minimum of twenty (20) feet between any two (2) curb cuts on the same street and the same property. There shall be a minimum of ten (10) feet at the property line between curb cuts on adjoining properties in commercial and industrial districts.

(5) No curb cut shall be made, nor any driveway apron placed, until a permit has been applied for and issued by the building inspector. An applicant shall submit with his application any and all necessary drawings and descriptive material showing not less than the location, width, number, shape, thickness, material and elevations of finish grade at the property line and at each end of the curb cut or apron, in sufficient detail and accuracy that the building inspector may determine that these and any other legal requirements of the town are, or are not met. No curb cut nor apron shall be permitted which will permit surface drainage to run from a public right-of-way onto private property unless a public utility or drainage easement exists or is provided.

(6) Residential driveways that are nonasphalted: shellrock, limerock, or clay entering on public roads must have, at a minimum, five (5) feet of the driveway apron constructed of four (4) inch concrete with approved metal or fiber mesh or one (1) inch asphalt with a six (6) inch base of shellrock or limerock. Shellrock, limerock, or clay driveways entering on nonpaved public roads must have an eight (8) inch material base from the edge of the road to the town right-of-way line.

(i) *Lot of record.* A lot or parcel of land which has an area or width which does not conform to the lot requirements of the district in which it is located, but such lot or parcel was shown by a plat or unique legal description recorded in the public records of Highlands County dated on or prior to December 8, 1958; such lot or parcel may be

used for at least single-family use or a legal use in the district, provided that the minimum yard and percentage of lot coverage are met as nearly as is practicable in the opinion of the board of zoning adjustment.

- (j) *Substandard vacant lots in subdivisions.* When a subdivision, or contiguous portions thereof, contains platted lots of parcels that do not conform to the area and width requirements of the zoning district in which it is located and such land is in one (1) contiguous ownership, it shall be incumbent upon the owner to replat such land to conform to the provisions of this chapter before any permit may be issued by the town for any building or use of such property for which the existing platting is nonconforming under the provisions of this chapter, except that a permit may be issued for contiguous parcels which do not exceed one hundred (100) feet in width, regardless of previous platting.
- (k) *Locations of buildings in dwelling districts.* All accessory buildings in a dwelling district shall meet the following yard and height regulations:
 - (1) No detached accessory building shall be located in any required front yard area.
 - (2) When an accessory building is attached to a principal structure by a breezeway, roofed passage or otherwise, it shall comply with the yard requirements of the principal building.
 - (3) A detached accessory building shall not be nearer than four (4) feet to the principal building, nor nearer than four (4) feet to any other accessory building on the same lot.
 - (4) An accessory building may not exceed the height of the principal building on the lot and in no event exceed two stories or 24 in height nor may occupy more than fifty (50) percent of a required rear or side yard area or distance.
- (l) *Street access required.* No dwelling shall be erected on a lot or portion of a lot which does not abut upon a public street with a minimum frontage of at least forty (40) feet.
- (m) *Yard and measurement of setbacks.* Required setback and yard measurements shall comply with the following requirements:
 - (1) Every part of the front, side and rear yard shall be unoccupied and vacant from the ground upward, except for eaves, trees, shrubs, landscaping materials, driveways and sunken garbage collection containers, and in rear or side yards, accessory buildings as permitted by subsection (k) above.
 - (2) On double-frontage lots, the required front yard shall be provided on each street.
 - (3) Open or enclosed fire escapes, outside stairways and balconies projecting into a minimum yard or court and the projection of chimneys and flues are permitted into yard areas not to exceed thirty-two (32) inches.
 - (4) *Temporary buildings.* Temporary buildings or mobile homes used for construction offices may be permitted in any district upon obtaining a permit from the building and zoning official, but shall meet all health, building, fire, plumbing and electrical

code requirements and shall be permitted for a period of not more than six (6) months within any eighteen-month period.

(n) *Service station requirements.* Not more than one (1) service station shall occupy any block front, and no service station shall be nearer than one thousand (1,000) feet to another such use measured between property lines on the same side of a street.

(1) All gas pumps, signs or other above-grade structures shall set back not less than twenty (20) feet from any street right-of-way line.

(2) Requirements of subsection (h) of this section shall control access drives and curb cuts.

(o) *Big box store.*

(1) ~~Location.~~ Big box stores shall be located in a PD zoning district commercially zoned district with a commercial or mixed use Future Land Use designation and by special exception C 4 flexible commercial development. Big box stores are prohibited in the historic downtown area of the Town of Lake Placid.

(2) *Big box store setbacks.* At the minimum, all improvements shall be set back two hundred (200) feet from the front and side boundary property lines of the big box store land, and one hundred (100) feet from the rear boundary property lines of the big box store land. Provided however, that improvements shall be set back three hundred (300) feet from the boundary property lines of all residentially zoned property (~~whether the residentially zoned property is within the town or county~~). The setback space shall be densely landscaped, irrigated and maintained so that the view of all buildings and improvements are blocked from all public streets and private property. These setbacks are minimum requirements to assure protection of the surrounding property from visual and noise pollution created by the big box store and its suppliers and customers.

(3) *Big box store buildings.* Big box store buildings may cover no more than twenty (20) percent of the big box store parcel. Each big box store shall reserve at least thirty (30) percent of the big box store parcel as landscaped open space (such space shall not be used for buildings, parking, water management facilities or streets).

(4) *Big box store restrictions.* These restrictions apply to all big box stores granted by ~~special exception through a PD zoning district.~~ Provided however, the board of adjustment Town Council may adjust these standards provided that substitute restrictions provide equivalent or better protection ~~of~~ to the public and surrounding land owners.

(5) *Definition.* A big box store is any building designed for or devoted to retail use and which is in excess of fifty thousand (50,000) square feet measured from inside the exterior walls. In no event shall a big box store exceed one hundred thousand (100,000) square feet, regardless of the lot size.

(6) *Minimum parcel size.* A big box store may be permitted by special exception on a parcel of land in excess of twenty (20) contiguous acres.

(7) *Building design standards for big box stores.*

a. *Primary facade.*

i. *Definitions.*

1. A primary facade is one that is in the public view and faces or abuts a public or private street, entry court or right-of-way.
2. A maximum of two (2) facades will be considered primary facades, when more than two (2) facades of a building have frontage on public or private streets. The two (2) exterior facades with the most right-of-way exposure will adhere, to the extent possible, to the requirements of this article with respect to architectural design treatments for primary facades. ~~At the applicant's request, the mayor or mayor's designee may administratively approve~~ A deviation from the above requirement for such elements as location of service door, minimum window area, or covered walk requirements may be considered through the PD process.

ii. *Primary facade standards.*

1. *Building entrances.* Buildings located along a public or private street or pedestrian right-of-way shall be designed with an entrance to the building or an entry courtyard facing or abutting the street or pedestrian right-of-way.
2. *Design standards.* The design of the primary facades shall include, at a minimum, two (2) of the following design features:

A. *Glazing.*

- i. Glazing covering at a minimum thirty (30) percent of the primary facade area, consisting of window and glazed door openings.

- ii. In the alternative, up to thirty (30) percent of the required glazing area may be covered with a trellis in lieu of glazing.
 - B. Projected, or recessed covered public entry providing a minimum horizontal dimension of eight (8) feet, and a minimum area of one hundred (100) square feet.
 - C. Covered walkway, or arcade (excluding canvas type). The structure shall be permanent, and its design shall relate to the principal structure. The minimum width shall be eight (8) feet, with a total length measuring sixty (60) percent of the length of the associated facade.
3. *Design features.* Each primary facade of a building shall have at least four (4) of the following building design treatments:
- A. Canopies, porticos, or porte-cocheres, integrated with the building's massing and style, or
 - B. Overhangs, minimum of three (3) feet, or
 - C. Colonnades or arcades, a minimum of eight (8) feet clear in width, or
 - D. Sculptured artwork, or
 - E. Cornice minimum two (2) feet high with twelve (12) inch projection, or
 - F. Peaked or curved roof forms, or
 - G. Arches with a minimum twelve (12) inch recess depth, or
 - H. Display windows, or
 - I. Ornamental or structural architectural details, other than cornices, which are integrated into the building structure and overall design, or
 - J. Clock or bell tower, or other such roof treatment (i.e. dormers, belvederes, and cupolas), or

- K. Emphasized building base, a minimum of three (3) feet high, with a minimum projection from the wall of two (2) inches, or
- L. Additional roof articulation above the minimum standards, or
- M. Curved walls, or
- N. Columns, or
- O. Pilasters, or
- P. Metal or tile roof material.

b. *Facade/wall height transition*

- i. *Purpose and intent.* The intent of this section is to ensure that the proposed buildings relate in mass and scale to the immediate streetscape and the adjacent built environment.
- ii. *Applicability.* Buildings that are more than the height of any existing conforming land use (i.e. what is permitted under the current zoning ~~or comprehensive plan, whatever is stricter,~~ but not the existing structure) shall provide transitional massing elements to transition between the existing land uses of lower height, and the proposed development.
- iii. ~~{~~*Transitional elements.*~~}~~ No less than sixty (60) percent of the length of the facade, which is in part or whole within the one hundred fifty (150) feet of an existing building, shall incorporate any combination of the following transitional massing elements:
 - 1. Wall plane changes.
 - 2. Roofs.
 - 3. Canopies.
 - 4. Colonnades.
 - 5. Balconies.
 - 6. Other similar architectural features.
- iv. *Variation in massing.* A single, large, dominant building mass shall be avoided. Changes in mass shall be related to entrances, the integral structure and the organization of interior spaces and activities, and not merely for

cosmetic effect. False fronts or parapets create insubstantial appearance and are discouraged. All facades, excluding courtyard area, shall be designed to employ the following design treatments:

1. *Projections and recesses.* A maximum length or uninterrupted curve of any facade, at any point, shall be one hundred fifty (150) linear feet. Projections and recesses shall have a minimum depth of twelve (12) feet.
2. *Wall plane changes.*
 - A. Any facade with horizontal length exceeding fifty (50) linear feet shall incorporate wall plane projections or recesses having a depth of at least three (3) feet, with a single wall plane limited to no more than sixty (60) percent of each affected facade.
 - B. If a building has a projection or recess of forty (40) feet or more, each is considered a separate facade, and shall meet the requirements for wall plane changes.

c. *Site design elements.* All projects shall have a minimum of two (2) of the following:

- i. Decorative landscape planters or planting areas, a minimum of five (5) feet wide, and areas for shaded seating consisting of a minimum of one hundred (100) square feet, or
- ii. Integration of specialty pavers, or stamped concrete along the building perimeter walkway. Said treatment shall constitute a minimum of sixty (60) percent of walkway area, or
- iii. Water elements, a minimum of one hundred (100) square feet in area, or
- iv. Two (2) accent or specimen trees, above the minimum landscape code requirements, along the primary facade(s) with a minimum height of eighteen (18) feet at planting.

d. *Windows and entrances.*

- i. Windows shall not be false or applied. Spandrel panels in curtain wall assembly are allowed, but may not be included in the maximum glazing required for primary facade.
- ii. The first floor of primary facades shall utilize transparent windows for no less than thirty (30) percent of the horizontal length of the building facade. The bottoms of such windows shall be no more than three (3) feet above the walkway grade and the tops of such windows shall not be less than eight (8) feet above the walkway grade.

e. *Detail features.*

- i. *Design elements.* The design elements in the following standard shall be an integral part of the building's design and shall be integrated into the overall architectural style. This element shall not consist solely of applied graphics or paint.
- ii. *Blank wall areas.* Blank, opaque wall areas shall not exceed ten (10) feet in vertical direction or twenty (20) feet in the horizontal direction of any primary facade. For facades connected to a primary facade, this shall apply to a minimum of thirty-three (33) percent of the attached facades measured from the connection point. Control and expansion joints within this area shall constitute blank wall area unless used as a decorative pattern and spaced at intervals of six (6) feet or less. The depth of the relief and reveal work must be a minimum of two (2) inches.

f. *Roof treatments.*

- i. *Roof edge and parapet treatment.* Roofs, other than mansard roofs, with the slope ratio of 3:12 or higher, are exempt from the preceding requirements for vertical change for the facades, which are not longer than one hundred ninety-nine (199) feet. One (1) roof edge, or parapet line change, shall be provided for every two hundred (200) linear feet of the facade length.
- ii. *Design standards.*

1. Parapets.

- A. When parapets are used to conceal rooftop equipment and flat roofs, the height of the parapet(s) shall be sufficient to conceal such roof equipment from the ground-level public view.
 - B. The use of parapets cannot constitute a roof change for purposes of this section.
 - C. No more than four (4) vertical feet of parapet area may be used to calculate permissible sign area.
 - D. Architectural detailing shall be present on parapets.
2. When a flat roof is screened with a parapet wall or mansard roof at any facade, the parapet or mansard roof treatment shall be extended along the remaining facades.
3. Prohibited roof types and materials. The following roof types and roof materials are prohibited.
- A. Asphalt shingles.
 - B. Mansard roofs and canopies, unless they meet the following standards:
 - i. Minimum vertical height clearance of eight (8) feet.
 - ii. The roof angle shall not be less than twenty-five (25) degrees, and not greater than seventy (70) degrees.
 - C. Awnings used as mansard or canopy roofs.
- g. *Awning standards.* These standards apply to awnings associated with and attached to the "big box store" structure.
- i. *Mansard awnings*, which are those awnings that span ninety (90) percent or more of a facade length, and those which do not provide a connection between facades, shall adhere to all roof standards of section 154-18(o)(7)(f), roof treatments.
 - ii. *All other awnings*, which are awnings that constitute less than ninety (90)

percent of a facade length, and those that do not provide a connection between facades, shall adhere to the following standards:

1. The location of awnings shall relate to the window and door openings.
2. Backlighting on awnings is prohibited.

h. *Overhead doors.*

- i. *Required screening.* Overhead doors shall not be located on primary facades, unless sufficient screening is proposed. If an overhead door is required in a primary facade, a screening wall, with a minimum height of ninety (90) percent of the overhead door height, or a landscape buffer achieving seventy-five (75) percent opacity within (1) one year, shall be provided. The placement and length of these screening devices shall block the view of the overhead doors from the street.
- ii. *Doors facing one another.* Overhead doors facing one another may be treated as interior space, provided that the buildings meet all other requirements of this section, and the distance between the doors facing one another is no more than fifty (50) feet.

i. *Entryways/customer entrance treatments.*

- i. Purpose and intent. Entryway design elements are intended to give protection from the sun and adverse weather conditions. These elements are to be integrated into a comprehensive design style for the project.
- ii. "Big box store" structure shall have clearly defined, highly visible, customer entrance(s). The customer entrance shall meet the following standards:
 1. An outdoor patio area shall be provided adjacent to the customer entrance, with a minimum of two hundred (200) square feet in area. The patio area shall incorporate the following:

A. Benches or other seating components,

B. Decorative landscape planters or wing walls which incorporate landscaped areas, and

C. Structural or vegetative shading.

2. Front entry shall be set back from a driveway or parking area by a minimum distance of fifteen (15) feet.

j. *Materials and colors.*

i. *Purpose and intent.* Exterior building colors and materials contribute significantly to the visual impact of buildings on the community. The colors and materials shall be well designed and integrated into a comprehensive design style for the project.

ii. *Exterior building colors.* Earth and/or pastel tones are encouraged to the maximum extent possible. The use of black, ~~fluorescent~~ fluorescent, primary and secondary colors is limited to no more than ten (10) percent of the affected facade, or the roof area. Building trim and accent areas may feature any color.

iii. *Exterior building materials.* The following building finish materials are limited to no more than thirty-three (33) percent of the facade area.

1. Corrugated, or reflective metal panels,
2. Smooth concrete block.

iv. *Neon tubing.* The use of neon or neon type tubing is not permitted to outline the exterior or the roof of a building.

(78) ~~{Additional requirements.}~~ In addition to the ~~special-exception~~ PD requirements herein set out, the ~~board of adjustment~~ Town Council may apply such additional requirements as are reasonable to insure that a big box store when in use, or if abandoned, shall be screened from public view and include all infrastructure reasonably required to support its maintenance and operation, including, without limitation, water supply, sewage disposal, irrigated and maintained green space.

(q) Underground Utilities.

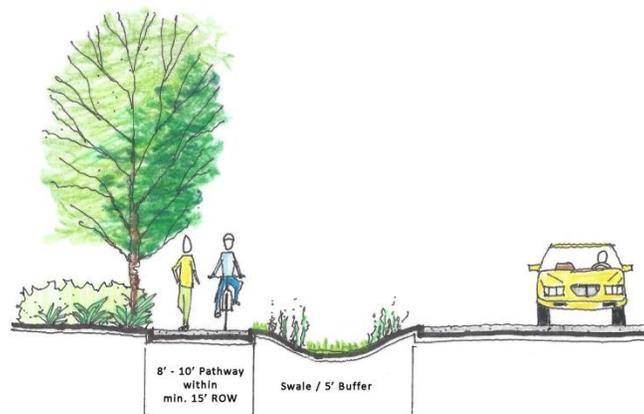
All utilities shall be underground in all new developments and redevelopments (residential subdivisions, commercial development).

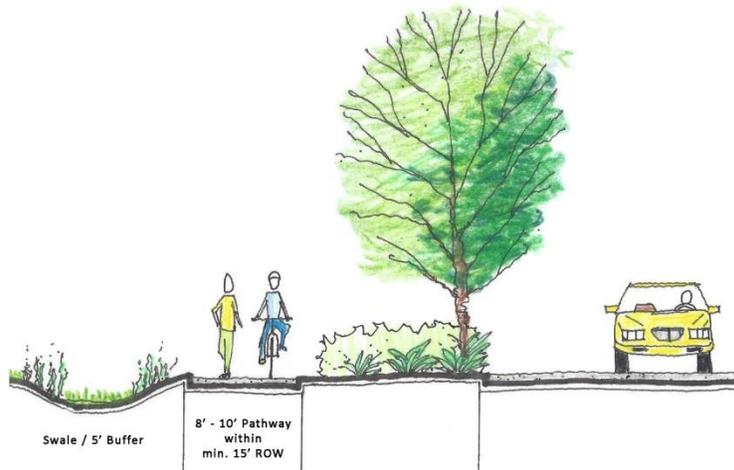
(r) Multipurpose Trails and Paths.

The Town of Lake Placid desires to develop multipurpose paths for jogging, biking and walking. Collector roads shall include right-of-way of at least fifteen (15) feet for such paths. Developers shall either construct path segments adjacent to the proposed development; or pay for the construction of similar improvements off-site related to the impacts of the development. The paths are part of a coordinated trail and multiuse path system that provides interconnectivity for the entire planning area. The system design will accommodate an eight (8) to ten (10) foot pathway, adequate landscaping area, and maintenance.

On existing roads in developed areas, trails should be added to the extent that right of way is available. If right of way is not available in developed areas, paved shoulders at least five (5) feet wide may be substituted. Trails are not required (but are encouraged) within private gated communities, and along low traffic neighborhood roads.

Figure 154-18.(r).A.
Multi-Use Trail





(s) Access Management Standards.

Access to U.S. 27 and collector roads shall be managed through the use of, service roads (including frontage and backage roads) and access roads in a manner that protects the taxpayer's investment in the road system by reducing traffic impacts. Developers shall use to the greatest extent possible, shared drives, service roads, and linked parking lots. Division of property after July 1, 2006, shall not be used to create new parcels acquiring separate access rights to U.S. 27 or any other road (such newly created parcels shall have access only through the parent tract, unless reasonable benefit to the public is demonstrated by the applicant).

Access to individual parcels or parcels as part of an overall project, either requested for approval at one time or over a cumulative basis, shall be by **an internal road system, frontage roads, cross-access easements, shared ingress/egress access easements,** or some combination of these, off of a main access to a collector or arterial road.

Different uses shall incorporate shared ingress/egress facilities even if on the same parcel or multiple parcels.

<u>TYPE OF ROADWAY</u>	<u>ROW</u>	<u>TRAFFIC LANES</u>	<u>FRONT SETBACK</u>	<u>MIN. SIDEWALK WIDTH</u>	<u>MIN. PLANTER WIDTH</u>
Frontage/Backage Road (2 lanes)	24'-32'	22'	15'	5'	5'

(t) Driveways.

Private driveways for new platted lots on an existing collector or arterial road and new collector and arterial roads shall be prohibited. Driveways in proposed developments will be serviced by internal (public or private) community roadways. All parking spaces shall be accessed by a driveway and shall not have direct access to collectors and arterial roads.

(u) Residential Drives on Major and Minor Collectors.

Residential Drive on Major and Minor Collectors. Residential drives shall not be allowed on major or minor collectors, however, an exception may be made where this policy prevents the reasonable use of land. This exception should not be used to simply increase density. Parcels divided after the effective date of the LPRP may not rely upon this exemption to gain additional curb cuts or driveways. Where existing conditions require exception, individual drives shall be discouraged in favor of combined drives.

(v) Parking.

Parking requirements for residential and nonresidential development may be decreased or increased through a waiver process if the developer presents a parking study demonstrating a reduced need based on the proposed use. The use of unpaved parking areas should be allowed, where appropriate, to increase green space and pervious area.

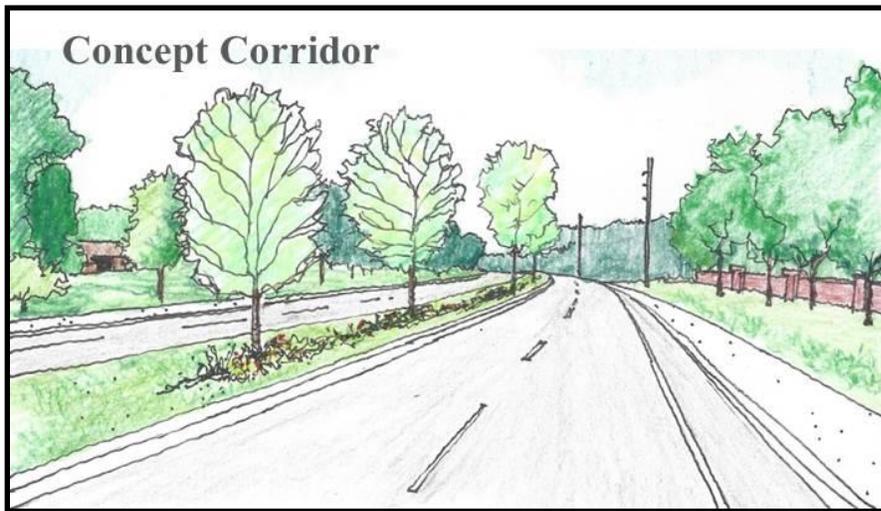
1. Parking requirements may be increased if parking study shows that a specific use requires additional parking.
2. Change in use should be allowed only if the owner provides parking for the new use.

(w) Traffic Circulation Systems (Within Developments).

Traffic circulation system within developments shall be designed utilizing a network system that will be open to the public. However, the network may incorporate a grid system, a curvilinear design pattern and traffic circles where appropriate. The design of the circulation system shall encourage internal capture of road trips, thereby preserving

capacity on the existing exterior arterials. Gated communities may be permitted. Ownership of the arterial, collector and local roadway system may be held by an appropriate governmental entity, community development district, master homeowners association, or a combination thereof. The internal roadway system shall be a combination of a two-lane undivided and a two-lane divided system. Where appropriate, four lane-divided systems may also be utilized. The divided lane system will be landscaped to improve the traveling experience and to provide beautification to the development.

Figure 154-8.(w).A.: Example of 4-lane divided corridor



SECTION 18. § 154-19. - PURPOSE.

The purpose of sections 154-20 through 154-27 is to set out the regulations which are applicable and unique to each district into which Lake Placid is divided and shown on the revised zoning map. The provisions of this article govern the use and location and establish requirements which shall be met for each zoning district.

SECTION 19. § 154-20. - A-1 Agricultural District.

(a) *Purpose.* The purpose of the A-1 Agricultural District is twofold. One, to provide for a holding classification of lands not expected to develop urban density of uses within the immediate future; and two, to provide for reasonable low-density urban uses and for normal agricultural uses. It is intended that, as lands in this district become necessary for orderly development of more intensive urban uses, changes in zoning classification can be considered through amendatory processes under law.

(b) *Principal uses permitted.* Principal uses permitted shall be as follows:

- (1) Any recognized agricultural or horticultural use, including grove maintenance operations, which do not create a hazard or nuisance beyond the property on which they are located.
- (2) Single-family dwellings of conventional construction.
- (3) Private boat ramps, docks, boathouses and fishing piers, subject to the provisions of section 154-13
- (4) Public parks, playgrounds of public schools.
- (5) Public utility facilities; any public use. It is intended that utility facilities operating under franchises granted by the town are classified as public.

(c) *Accessory uses permitted.* Accessory uses permitted shall be as follows:

- (1) Private garages, barns and general storage buildings for agricultural uses.
- (2) Greenhouses, not for commercial use.
- (3) Hobby or craft shops, not for commercial use.
- (4) Swimming pools, not for commercial use.
- (5) Music, art or photography studio, provided that no evidence by sign, letter, symbol or marking indicates such use, which is visible from outside of the building.
- (6) Home occupation, such as office use, including the right to advertise such by address and telephone only.
- (7) Renting of up to three (3) rooms in a principal building, provided that adequate parking spaces are provided and no "for rent" signs are used.

(d) *Special exception uses.* Special exception uses, which may be permitted by the board of zoning adjustment after public hearing, shall be as follows:

- (1) Churches and church uses.
- (2) Servant or domestic quarters, provided that no kitchen facilities are included therein.
- (3) Heliports or STOL ports, seaplane landing facilities.
- (4) Transmission towers and similar structures.

(e) *Prohibited uses.* Prohibited uses shall be as follows:

- (1) Any nonagricultural or nonhorticultural commercial or industrial use.
- (2) Mobile homes and mobile home parks or factory-built housing.

- (3) Keeping of swine, horses, cattle, chickens or other food-producing animals.
- (4) Signs and billboards, except those permitted in connection with home occupations, temporary "for sale" signs for not more than six (6) months on any one property, church signs which may be approved by the board of zoning adjustment and necessary public information and directional signs.
- (5) Day nurseries and kindergartens.
- (6) Temporary buildings, including tents and mobile home structures, except that these may be permitted by the board of zoning adjustment when they are related with or used for temporary construction uses.
- (7) Duplexes and multifamily dwellings.
- (8) Any other use not specifically permitted.

(f) *Lot and living area minimum requirements.* Lot and living area minimum requirements shall be as follows:

Use	Minimum Lot Area	Minimum Living Area
Single-family dwelling	20,000 sq. ft.	1,400 sq. ft.
Churches	1 acre	200 seats
Servants' quarters	Not permitted separately	300 sq. ft.
Other uses	1 acre	As required
Public schools	10 acres	None

(g) *Yard and building requirements and height limitations.*

- (1) Yard and building requirements shall be as follows:

Location	Principal Use (feet)	Accessory Use (feet)
Side yard (see <u>§ 154-18</u>)	10	10
Rear yard	20	10

(2) No building may exceed thirty-five (35) feet in height, except spires, domes, towers or any structure not intended for human occupancy.

(h) *Lot coverage.* Lot coverage by all buildings on any lot or parcel shall not exceed twenty (20) percent of land area.

(i) *Lot widths.* No lot for any use shall be less than one hundred (100) feet in width at the front building line.

SECTION 20. § 154-21. - R-1A SINGLE-FAMILY DWELLING DISTRICT.

(a) *Purpose.* The purpose of the R-1A Single-Family Dwelling District is to provide for areas of highly restricted single-family dwelling use, along with the necessary and incidental accessory uses and uses characteristic and accepted with, but not detrimental to the principal uses.

(b) *Principal uses permitted.* Principal uses permitted shall be as follows:

- (1) Single-family dwellings of conventional construction.
- (2) The growing of agricultural or horticultural plants, with no sales buildings, displays, stands or places on the premises.
- (3) Public parks, playgrounds and utility facilities owned by the public or franchised firms, and any public use.
- (4) Private boat ramps, docks, boathouses and piers, subject to the provisions of § 154-13

(c) *Accessory uses permitted.* Accessory uses permitted shall be as follows:

- (1) Private garages, parking spaces and storage buildings, not for rental or commercial use.
- (2) Greenhouses, not for commercial use.
- (3) Hobby and craft shops, not for commercial use.
- (4) Swimming pools, not for commercial use.

(5) Music, art or photography studio, provided that no evidence by sign, letter, symbol or marking indicates such use which is visible outside the building and that such use is within the principal building and only operated by residents of the premises.

(6) Home occupation, such as office use, including the right to advertise such by address and telephone number only.

(7) Renting of up to three (3) rooms in a principal building, provided that adequate parking is provided and no "for rent" signs are used.

(d) *Special exception uses.* Special exception uses, which may be permitted by the board of zoning adjustment after a public hearing, shall be as follows:

(1) Churches and church uses.

(2) Servants' or domestic workers' quarters, provided that no kitchen facilities are included therein.

(3) Schools.

(e) *Prohibited uses.* Prohibited uses shall be as follows:

(1) Any commercial or industrial use, except as permitted above.

(2) Mobile homes, mobile home parks or factory-built housing, duplexes and multifamily dwellings.

(3) Tents or temporary buildings and uses.

(4) Overnight parking of commercial automotive equipment of more than one-ton capacity on residential lots.

(5) Keeping of swine, cattle, horses, chickens and other such animals.

(6) Dog kennels for breeding, feeding or keeping pens or lots for the keeping or boarding of any dogs.

(7) Signs and billboards, except those permitted in connection with home occupations, temporary "for sale" signs for not more than six (6) months on any one property, church signs which may be approved by the board of zoning adjustment and necessary public information and directional signs.

(8) The teaching of swimming classes.

(9) Day nurseries and kindergartens.

(10) Any other use not specifically permitted.

(f) *Lot and living area minimum requirements.* Lot and living area minimum requirements shall be as follows:

Use	Minimum Lot Area	Minimum Living Area
Single-family dwelling	7,500 sq. ft.	1,500 sq. ft.
Churches	30,000 sq. ft.	200 seats or less
Churches	40,000 sq. ft.	Over 200 seats
Public schools	10 acres	None

(g) *Yard and building requirements and height limitations.*

(1) Yard and building requirements shall be as follows:

Location	Principal Use (feet)	Accessory Use (feet)
Front yard	25	Not permitted
Side yard (see <u>§ 154-14</u>)	10	8
Rear yard	20	6

(2) No building may exceed thirty-five (35) feet in height, except spires, domes, towers or any structure not intended for human occupancy.

(2) No building may exceed twenty-five (25) feet in height, except spires, domes, towers or any structure not intended for human occupancy.

(h) *Lot coverage.* Lot coverage by all buildings on any lot or parcel shall not exceed thirty (30) percent of land area.

(i) *Lot widths.* Lot widths at the front building line shall be not less than seventy (70) feet.

SECTION 21. § 154-22. - R-1 SINGLE-FAMILY DWELLING DISTRICT.

(a) *Purpose.* The purpose of the R-1 Single-Family Dwelling District is to provide for a slightly less restrictive single-family district than the A-1 or R-1A Dwelling Districts, along with allowing the necessary and incidental accessory uses and uses characteristic with, but not detrimental to the principal uses.

(b) *Principal use permitted.* Principal uses permitted shall be as follows:

- (1) Single-family dwellings of conventional construction.
- (2) The growing of agricultural or horticultural plants, with no sales buildings, displays, stands or places on the premises.
- (3) Public parks, playgrounds and utility facilities owned by the public or franchised firms, and any public use.
- (4) Private boat ramps, docks, boathouses and piers, subject to the provisions of section 154-13
- (5) Day nurseries and kindergartens, provided that there shall be no sign more than three (3) square feet in area and no lighted sign; the entire play yard is fenced with at least four-foot-high fencing; off-street unloading space is provided for not less than three (3) vehicles and does not require backing into the public right-of-way; the play yard is not less than seventy-five (75) feet from any residential dwelling unit not on the same lot; and the applicant has all licenses or permits required by the town, county and state.

(c) *Accessory uses permitted.* Accessory uses permitted shall be as follows:

- (1) Private garages, parking spaces and storage buildings, not for rental or commercial use.
- (2) Greenhouses, not for commercial use.
- (3) Hobby and craft shops, not for commercial use.
- (4) Swimming pools, not for commercial use.
- (5) Music, art or photography studio, provided that no evidence by sign, letter, symbol or marking indicates such use which is visible outside the building and only operated by residents of the premises.
- (6) Home occupation, such as office use, including the right to advertise such by address and telephone number only.

(7) Renting of up to three (3) rooms in a principal building, provided that adequate parking is provided and no "for rent" signs are used.

(d) *Special exception uses.* Special exception uses, which may be permitted by the board of zoning adjustment after a public hearing, shall be as follows:

- (1) Churches and church uses.
- (2) Servants' or domestic workers' quarters, provided that no kitchen facilities are included therein.
- (3) Schools.

(e) *Prohibited uses.* Prohibited uses shall be as follows:

- (1) Any commercial or industrial use, except as permitted above.
- (2) Duplexes and multifamily dwellings.
- (3) Tents or temporary buildings and uses.
- (4) Overnight parking of commercial automotive equipment of more than one-ton capacity on residential lots.
- (5) Keeping of swine, cattle, horses, chickens and other such animals.
- (6) Dog kennels for breeding, feeding or keeping pens or lots for the keeping or boarding of any dogs.
- (7) Signs and billboards, except those permitted in connection with home occupations, temporary "for sale" signs for not more than six (6) months on any one (1) property, church signs which may be approved by the board of zoning adjustment and necessary public information and directional signs.
- (8) The teaching of swimming classes.
- (9) Any other use not specifically permitted.

(f) *Lot and living area minimum requirements.* Lot and living area minimum requirements shall be as follows:

Use	Minimum Lot Area	Minimum Living Area
Single-family dwelling	6,000 sq. ft.	750 sq. ft.

Use	Minimum Lot Area	Minimum Living Area
Day nurseries and kindergartens	10,000 sq. ft.	1,000 sq. ft.*
Churches	30,000 sq. ft.	200 seats or less
Churches	40,000 sq. ft.	Over 200 seats
Public schools	10 acres	None

*NOTE: Or as required by state or county regulations, whichever are most restrictive.

(g) *Yard and building requirements and height limitations.*

(1) Yard and building requirements shall be as follows:

Location	Principal Use (feet)	Accessory Use (feet)
Front yard	25	Not permitted
Side yard (see <u>§ 154-14</u>)	7½	5
Rear yard	20	5

(2) No building may exceed thirty-five (35) feet in height, except spires, domes, towers or any structure not intended for human occupancy.

(h) *Lot coverage.* Lot coverage by all buildings on any lot or parcel shall not exceed thirty (30) percent of land area.

(i) *Lot widths.* Lot widths at the front building line shall be not less than sixty (60) feet.

SECTION 22. § 154-23. - R-2 MULTIFAMILY DWELLING DISTRICT.

(a) *Purpose.* The purpose of the R-2 Multifamily Dwelling District is to provide areas for single-family, duplex and multifamily dwelling uses with a higher density standard and lower restrictive regulations than single-family districts, along with the necessary and incidental accessory uses and uses characteristic with, but not detrimental to the principal use; but to limit the density of dwelling units to not more than twelve (12) dwelling units per net acre of land area.

(b) *Principal uses permitted.* Principal uses permitted shall be as follows:

- (1) Single-family dwellings of conventional construction.
- (2) The growing of agricultural or horticultural plants, with no sales buildings, displays, stands or places on the premises.
- (3) Public parks, playgrounds and utility facilities owned by the public or franchised firms, and any public use.
- (4) Private boat ramps, docks, boathouses and piers, subject to the provisions of section 154-13
- (5) Day nurseries and kindergartens, provided that there shall be no sign more than three (3) square feet in area and no lighted sign; the entire play yard is fenced with at least four-foot-high fencing; off-street unloading space is provided for not less than three (3) vehicles and does not require backing into the public right-of-way; the play yard is not less than seventy-five (75) feet from any residential dwelling unit not on the same lot; and the applicant has all licenses or permits required by the town, county and state.
- (6) Duplex dwellings.
- (7) Multifamily dwellings.
- (8) Town- or row-house dwellings.

(c) *Accessory uses permitted.* Accessory uses permitted shall be as follows:

- (1) Private garages, parking spaces and storage buildings, not for rental or commercial use.
- (2) Greenhouses, not for commercial use.
- (3) Hobby and craft shops, not for commercial use.
- (4) Swimming pools, not for commercial use.
- (5) Music, art or photography studio, provided that no evidence by sign, letter, symbol or marking indicates such use which is visible outside the building and that such use is within the principal building and only operated by residents of the premises.

(6) Home occupation, such as office use, including the right to advertise such by address and telephone number only.

(7) Renting of up to three (3) rooms in a principal building, provided that adequate parking is provided and no "for rent" signs are used.

(d) *Special exception uses.* Special exception uses, which may be permitted by the board of zoning adjustment after a public hearing, shall be as follows:

- (1) Churches and church uses.
- (2) Servants' or domestic workers' quarters, provided that no kitchen facilities are included therein.
- (3) Schools.
- (4) Boarding- or rooming-houses.
- (5) Convalescent or nursing homes.
- (6) Medical or dental clinics or hospital for human care.

(e) *Prohibited uses.* Prohibited uses shall be as follows:

- (1) Any commercial use or industrial use not specifically permitted.
- (2) Tents, temporary buildings and uses.
- (3) Keeping of swine, cattle, horses and chickens and other such animals.
- (4) Dog kennels for breeding, feeding or keeping pens or lots for the boarding of any dogs.
- (5) Signs and billboards, except those permitted in connection with home occupations, temporary "for sale" signs for not more than six (6) months on any one property, church signs which may be approved by the board of zoning adjustment and necessary public information and directional signs.
- (6) Any other use not specifically permitted.

(f) *Lot and living area minimum requirements.* Lot and living area minimum requirements shall be as follows:

Use	Minimum Lot Area	Minimum Living Area
Single-family dwelling	6,000 sq. ft.	1,000 sq. ft.

Use	Minimum Lot Area	Minimum Living Area
Churches	30,000 sq. ft.	200 seats or less
Churches	40,000 sq. ft.	Over 200 seats
Public schools	10 acres	None
Day nurseries	10,000 sq. ft.	1,000 sq. ft.*
Duplexes	10,000 sq. ft.	600 sq. ft. per dwelling unit
Multifamily dwelling	12,000 sq. ft. for a 3-family building, limited by land area to a ratio of not more than 12 dwelling units per net acre	600 sq. ft. per dwelling unit
Town- or row houses	10,000 sq. ft. limited by land area to a ratio of 12 dwelling units per net acre	600 sq. ft. per dwelling unit
Boarding- or roominghouses	10,000 sq. ft., plus 2 sq. ft. of land area for each 1 sq. ft. of floor area above 1,200	120 sq. ft. per room
Convalescent or nursing homes	10,000 sq. ft., plus 2 sq. ft. of land area for each 1 sq. ft. of floor area above 1,800	120 sq. ft. per room
Medical or dental clinics	10,000 sq. ft. plus 1 sq. ft. of land area for each 1 sq. ft. of floor area above 1,200	

Use	Minimum Lot Area	Minimum Living Area
*Note: Or as required by state or county regulations, whichever are most restrictive.		

(g) *Yard and building requirements and height limitations.*

(1) Yard and building requirements shall be as follows:

a. Adjacent to public rights-of-way.

i. *Principal use:* Twenty-five (25) feet.

1. Front yard.

2. Accessory buildings not permitted in front yards.

ii. *Rear yard:* Twenty (20) feet.

iii. *Side yard:*

1. Principal use: Seven and one-half (7½) feet for a one-story structure, plus one (1) foot of yard for each one (1) foot of structure height above one (1) story.

2. Accessory uses: Five (5) feet.

b. Adjacent to private rights-of-way.

i. *Principal use:*

1. Front yard. Twenty-five (25) feet. In a platted subdivision incorporating new urbanism and traditional neighborhood design featured such as mixed housing types, pedestrian connectivity and providing a minimum community open space within the plat (excluding streets or alleys) of twenty-five (25) percent of the sum of all lot areas, the front yard setback may be reduced to twelve (12) feet. A corner lot within such subdivision may have a front setback at its corner reduced to five (5) feet provided that the actual building sets back a minimum of fifteen (15) feet from any roadway.

2. Accessory buildings not permitted in front yards. Notwithstanding subsection 154-18(k)(2), an accessory trellis which is part of and connected to a rear loaded garage, may have a minimum rear yard of ten (10) feet where such garage is accessed by a rear alley.

ii. *Rear yard*: Twenty (20) feet.

iii. *Side yard*:

1. Principal use: Seven and one-half (7½) feet for a one-story structure, plus one (1) foot of yard for each one (1) foot of structure height above one (1) story.

2. Accessory uses: Five (5) feet.

(2) Height. No structure shall exceed thirty-five (35) feet in height, measured from the finished grade at the center front.

(h) *Lot coverage*. Lot coverage by all buildings on any lot or parcel shall not exceed fifty (50) percent of the total land area.

(i) *Lot widths*. The minimum lot width shall be fifty (50) feet.

§ 154-23.1. - R-2A Two-Family Residential Dwelling District.

(a) *Purpose*. The Two-Family Residential (R-2A) District is intended to provide relatively affordable housing for duplex dwellings, and to serve as a transitional zoning district between multifamily and single-family residential uses. The maximum density within this district shall not exceed six (6) dwelling units per net acre of land area.

(b) *Principle uses permitted*. Principle uses permitted shall be as follows:

(1) Two-family dwellings (duplexes).

(2) Single-family unattached and attached dwellings.

(3) Town- or row-house dwellings.

(4) Zero lot line single-family dwellings.

In cases where two-family dwellings are proposed, plans shall be presented for both units simultaneously. Access easements for maintenance of common walls and other facilities shall be provided. Furthermore, utility easements allowing service to each unit shall be provided.

(c) *Accessory uses permitted*. Accessory uses permitted shall be as follows:

(1) Home occupation, such as office use is permitted. The right to advertise shall be restricted to an unlighted nameplate not more than two (2) square feet in area, and no displays that indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling.

(d) *Special exception uses*. None.

(e) *Lot and living area minimum requirements.* Lot and living area minimum requirements shall be as follows:

Use	Minimum Lot Area	Minimum Living Area
Duplexes	13,500 sq. ft.	900 sq. ft. per unit
Town or row houses	Minimum one (1) acre area for each six (6) units.	1,200 sq. ft. per unit
Single-family attached	Minimum one (1) acre area for each six (6) units.	1,200 sq. ft. per unit

(f) *Yard and building requirements and height limitations for duplexes.*

(1) Yard and building requirements shall be as follows:

a. *Principal use:* Twenty-five (25) feet.

1. Front yard: Twenty-five (25) feet.

2. Rear yard: Twenty (20) feet.

3. Side yard: Seven and one-half (7½) feet for a one-story structure, plus one (1) foot of yard for each one (1) foot of structure height above one (1) story.

b. *Height:* Thirty-five (35) feet in height, measured from the finished grade at the center front.

(g) *Yard and building requirements and height limitations for zero lot line, single-family dwellings on private rights-of-way.*

(1)

Yard and building requirements shall be as follows:

a. *Principal use:*

1. Front yard: Twenty-five (25) feet. In a platted subdivision incorporating new urbanism or traditional neighborhood design features such as mixed housing types, pedestrian connectivity and providing a minimum community open space

within the plat (excluding streets or alleys) of twenty-five (25) percent of the sum of all lot areas, the front yard setback may be reduced to nine (9) feet.

2. Rear yard: Twenty (20) feet.

3. [Side yard.] No side yard.

b. *Height:* Thirty-five (35) feet in height, measured from the finished grade at the center front.

(h) *Yard and building requirements and height limitations for town or row houses and single-family attached units on public rights-of-way.*

(1) Yard and building requirements shall be as follows:

a. *Principal use:* Twenty-five (25) feet.

1. Front yard: Twenty-five (25) feet.

2. Rear yard: Twenty (20) feet.

3. [Side yard:] No side yard.

b. *Height:* Thirty-five (35) feet in height, measured from the finished grade at the center front.

(i) *Lot coverage.* Lot coverage by all buildings on any lot or parcel shall not exceed fifty (50) percent of the total land area.

(j) *Lot widths.* The minimum lot width shall be fifty (50) feet.

SECTION 23. § 154-24. - RESERVED.

Editor's note—

Ord. No. 04-415, § 1, adopted July 12, 2004, repealed § 4-24, [formerly of [ch. 4](#) of the Land Development Code] which pertained to the MH-1 Mobile Home Park District (Residential) and was derived from Ord. No. 114, as revised in 1977.

SECTION 24. § 154-25. - C-1 HIGHWAY COMMERCIAL DISTRICT.

(a) *Purpose.* The purpose of the C-1 Highway Commercial District is to provide for commercial uses of land and buildings along highway frontage in a manner that will:

(1) Recognize its economic utility in servicing the motoring public.

(2) Establish certain criteria to promote traffic safety in such service.

(3) Minimize any adverse effect of such commercial uses on adjoining residential or agricultural districts.

(b) *Principal uses permitted.* Principal uses permitted shall be as follows:

- (1) Combination residence/limited commercial uses; provided, however, that both are owned and operated by the same party.
- (2) Public parks, playgrounds and utility facilities owned by the public or franchised firms, and any public use.
- (3) Private boat ramps, docks, boathouses and piers, subject to the provisions of [chapter 162](#)
- (4) Day nurseries and kindergartens, provided that there shall be no sign more than three (3) square feet in area and no lighted sign; the entire play yard is fenced with at least four-foot-high fencing; off-street unloading space is provided for not less than three (3) vehicles and does not require backing into the public right-of-way; the play yard is not less than seventy-five (75) feet from any residential dwelling unit not on the same lot; and the applicant has all licenses or permits required by the town, county, and state.
- (5) Highway-oriented businesses, such as service stations; motels or hotels; restaurants; rental, sales, and service of automotive or other vehicles, farm machinery and equipment; and recreational vehicle or travel trailer or mobile home sales and service.
- (6) Any legal use of land or buildings which offers goods or services for retail sale or rental to the public or any sector of the public.
- (7) Commercial and personal services, such as barber and beauty shops, shoe repair, book and record sales, laundry pickup and delivery, antique shops, camera and photographic supplies and sales, pharmaceutical sales, custodial care centers for preschoolers or elderly persons and educational facilities, public or private.
- (8) Professional offices, such as dental, medical, legal, real estate, insurance, accounting, finance, trade organizations, cooperatives and government, where the principal use is that of providing goods and service at retail.
- (9) Medical or dental clinics or hospitals for human care.
- (10) Mini-warehouses. Wholesale uses are permitted as principal uses when totally enclosed in a building. Retail uses will be allowed with no outside display unless written authorization is granted by special exception. Parking requirements must be met for retail usage and the appropriate occupational licenses must be authorized prior to the initiation of the retail use.
- (11) Warehousing or wholesaling as a principal use when totally enclosed in a building providing visual obstruction from off-site.

(c) *Accessory uses permitted.* Accessory uses permitted shall be as follows:

- (1) Any use normally deemed to be clearly incidental and secondary to a permitted use.

(d) *Special exception uses.* Special exception uses, which may be permitted or excluded by the board of zoning adjustment after a public hearing, shall be as follows:

- (1) Churches and church uses.
- (2) Mobile home structures for temporary offices, not to exceed six (6) months in any eighteen-month period.
- (3) Tents and temporary buildings, not to exceed three (3) months in any eighteen-month period.
- (4) Any freestanding advertising sign or advertising device.
- (5) Funeral parlors, homes or mortuaries.
- (6) Flea markets.
- (7) The growing of agricultural or horticultural plants, with/without sales buildings, displays, stands, or places on the premises.
- (8) Bars, lounges.

(e) *Prohibited uses.* The following listed or implied uses are prohibited in any C-1 District:

- (1) Single-family residence use.
- (2) Any use not permitted by subsections (b), (c) or (d) above or reasonably implied therein.
- (3) Warehousing or wholesaling as a principal use when not enclosed within a building which provides visual obstruction from off-site.

(f) *Lot and living area minimum requirements.*

Use	Minimum Lot Area	Minimum Living Area
Convalescent or nursing homes	10,000 sq. ft., plus 2 sq. ft. of land area for each 1 sq. ft. of floor area above 1,800	120 sq. ft. per room
Clinics	10,000 sq. ft., plus 1 sq. ft. of land area for each 1 sq. ft. of floor area above 1,200	

Use	Minimum Lot Area	Minimum Living Area
Motel or hotel	2,100 sq. ft., plus 3 sq. ft. of land area for each 1 sq. ft. of floor area above 21,000	
Professional offices, commercial and personal services, highway-oriented businesses, retail sales, clinics, hospitals	22,500 sq. ft.	N/A
Churches and church uses	30,000 sq. ft.	200 seats or less
Churches and church uses	40,000 sq. ft.	Over 200 seats
Special exception uses	As otherwise provided in this chapter and as required by the board of zoning adjustment to be reasonable	

(g) *Yard and building requirements and height limitations.*

(1) Yard and building requirements shall be as follows:

a. Residential uses and churches:

1. Front yard:

(a) Principal use: twenty-five (25) feet.

(b) Accessory buildings not permitted in front yards.

2. Rear yard: twenty (20) feet.

3. Side yard:

(a) Principal use: seven and one-half (7½) feet for a one-story structure, plus one (1) foot of yard for each one (1) foot of structure height above one (1) story.

(b) Accessory uses: five (5) feet.

b. Professional offices or personal services: No side or rear yard shall be required at locations where property abutting that proposed to be used for this purpose is in a commercial or industrial zoning classification. However, where adjoining property is in any residential zoning classification, there shall be not less than ten (10) feet distance between the structure and the residentially zoned property line. There shall be a minimum of twenty (20) feet between the front or side building line and any right-of-way on any front or side street or alley.

(2) No building or structure shall exceed two (2) stories or thirty-five (35) feet in height. Any structure proposed to exceed thirty-five (35) feet in height shall be considered by the board of zoning adjustment as a special exception and may thereby be permitted, provided that fire protection provisions meet all county and state requirements and the board of zoning adjustment authority is not exceeded.

(h) *Lot coverage.* Lot coverage restrictions shall be as follows:

(1) *Churches and church uses:* Lot coverage by all buildings on any lot or parcel shall not exceed fifty (50) percent of the total net land area.

(2) *Commercial uses:* Maximum building coverage shall not exceed forty (50) percent of the total lot area. Minimum open space shall be twenty-five (25) percent and shall not include parking area requirements.

(i) [*Lot width restrictions.*] *Lot width restrictions shall be as follows:*

(1) Commercial uses: The minimum lot width shall be one hundred (100) feet.

§ 154-25.1. - Planned Commercial Development (PCD) District.

(a) *Purpose.* The Planned Commercial Development (PCD) District is intended to provide a flexible approach for unique and innovative land development proposals, which would otherwise not be permitted for this code. Notwithstanding the specific criteria identified herein, proposals should accomplish the following purposes, to the greatest extent possible.

(1) Provide for mixed use commercial, office and light industrial development such as shopping centers, office parks, and industrial parks;

(2) Promote innovative site and building design;

(3) Provide efficient location and utilization of infrastructure through orderly and economical development;

(4) Establish open areas set aside for the preservation of natural resources, significant natural features and listed special habitats;

(5) Provide for a coherent and visually attractive physical environment through coordination and consistency of architectural styles, landscaping designs and other elements of the built environment; and

(6) Provide for other limitations, restrictions and requirements as deemed necessary by the town to ensure compatibility with adjacent neighborhoods and effectively reduce potential adverse impacts.

(b) *Unified ownership.* All land within the PCD shall be under the ownership or control of the applicant at the time of execution of the master development agreement whether the applicant be an individual, partnership or corporation, or groups of individuals, partnerships or corporations.

(c) *Perimeter setbacks and buffering.* Yards for uses abutting the PCD boundary shall not be less than the yard requirements of the zoning district most similar to that portion of the PCD. The LPA may recommend and the town council may require greater peripheral yards when determined to be necessary to ensure compatibility and harmony between the PCD and adjoining properties.

(d) *Compliance with regulations in effect at the time of development.* Unless otherwise specifically described within the master development agreement, final development plans and development permits for uses/structures within the PCD shall comply with regulations, ordinances and resolutions in effect at the time of plan approval or permit application. This provision shall be included in all master development agreements.

(e) *Preapplication conference.* Prior to filing for conceptual plan and master development agreement approval, the developer, or the developer's representative, shall meet with the planning and zoning director or his/her designee(s), in order to verify steps necessary for application and review, and discuss potential issues regarding the PCD proposal. Comments made at the preapplication conference are totally nonbinding on the formal review of the conceptual plan and master development agreement.

(f) *Application for rezoning.*

(1) *Application for conceptual plan and master development agreement approval.* Application for conceptual plan and master development agreement approval shall be made utilizing the form provided by the town clerk for that purpose and accompanied by the appropriate review fee. Initial application shall be signed and sealed by a registered engineer, architect, or landscape architect.

a. Review of application materials. Within five (5) working days of the receipt of an application, the town shall determine whether the submittal is complete. Incomplete submittals shall be returned to the applicant with the deficiencies noted.

b. Initial development review. When an application is determined to be complete, it shall be scheduled for the next scheduled public hearing before the LPA board.

(2) *Conceptual development plan.* Upon application for rezoning to the PCD district, the applicant shall provide a conceptual development plan, drawn at a scale of no smaller than one (1) inch equal to one hundred (100) feet. The plan shall contain the following information, when applicable.

- a. PCD name, date, north arrow, and the legal description, boundary dimensions and area in acreage of the property;
- b. Name and address of owner, surveyor, engineer, and any other professional consultants involved with the generation of the plan information. If the property is owned by a corporation, company or partnership, the name and address of the president and secretary, and the state of incorporation shall be provided;
- c. A vicinity map at a scale of one (1) inch equal to four hundred (400) feet showing the zoning of the area and the relationship of the proposed PCD to surrounding development;
- d. Proposed common areas, drainage areas, conservation areas, lot lines and lot dimensions;
- e. Proposed street names and lot numbers;
- f. Acreage in lots, drainage areas, common areas, streets and other uses, and the minimum lot size, average lot size and total number of lots;
- g. Existing topography shown in one-foot contours and delineation of flood insurance rate map flood zones.
- h. Environmental assessment providing delineation of all wetlands, wooded areas, vegetative communities and listed species habitats; general description of the character of such wetlands, wooded areas, vegetative communities and listed species habitats;
- i. The location of existing and proposed buildings, utilities, roads, easements or other improvements on the property, and all roads, lot lines, and abutting property owners within one hundred fifty (150) feet of the PCD boundary;
- j. A soils report including one (1) percolation test per ten (10) acres with one (1) or more eight-foot deep soil boring(s) at each percolation test site;
- k. Statement that compliance with the Environmental Preservation Code may necessitate modification of the conceptual plan;
- l. Soil types, drainage basis and natural drainage patterns;
- m. General character, size and location of buildings, parking and loading areas, buffer yards and landscaped areas for each proposed land use;
- n. Site data for each land use parcel to verify that requirements of the master development agreement have been satisfied;
- o. Any other information deemed pertinent by the planning and zoning department, LPA or town council.
- p. Document certifying unified ownership of the property.

(3) *Master development agreement.* Upon application for rezoning to the PCD district, the applicant shall provide a master development agreement. The agreement shall contain and/or address the following information, when applicable.

- a. Permitted uses and special exceptions.
- b. Minimum dimensional requirements. Such requirements shall include lot area and width, setbacks, building height, minimum floor area, spacing between buildings, maximum building coverage, minimum landscaped area and any other dimensional information pertinent to the project.
- c. Landscaping, parking and signage requirements when unique or different from those described in this development code.
- d. Architectural controls. Such controls shall provide for a common architectural theme to be applied to all development within the PCD.
- e. Project purchasing policy.
- f. Landowners association. An association or unified collection of individual associations shall be established to provide for maintenance of common area facilities and to enforce the specific restrictions established by the association.
- g. Maximum number of building lots.
- h. Improvements to infrastructure which may be required in addition to those specified by this code or at an earlier time than would otherwise be determined by this code.
- i. Statement that compliance with the environmental preservation code may necessitate modification of the conceptual plan.
- j. Expiration date.
- k. Statement of ownership and legal description.
- l. Any other information deemed pertinent by the planning and zoning department, LPA or town council.

(g) *Approval of application for rezoning.*

(1) *Planning commission action.* The LPA shall consider the conceptual plan and master development agreement at a regularly scheduled meeting to determine if the application meets the requirements of this Code. Upon consideration of the comments, the LPA shall take one of the following actions:

- a. Table the consideration of the application until their next regularly scheduled meeting to allow for the resolution of outstanding issues. No applicant shall be tabled more than one (1) time in the presence of the application by the LPA.

- b. Recommend that the application be denied.
- c. Recommend that the application be approved.
- d. Recommend that the application be approved with conditions.

(2) *Town council approval.* The town council shall consider the conceptual plan and master development agreement at a regularly scheduled meeting, and determine if the application meets the requirements of this Code. Upon consideration of the comments of the planning and zoning department and public, and the recommendation of the LPA, the town council shall take the following actions:

- a. Table the consideration of the application to allow for the resolution of outstanding issues.
- b. Deny the application.
- c. Remand the application back to the LPA for specific action.
- d. Approve the application.
- e. Approve the application with conditions.

(h) *Execution of master development agreement.* The second reading of the ordinance for rezoning of any land to the PCD district shall not take place until the developer has provided an executed copy of the master development agreement to the town clerk. The document shall be a fully corrected copy which addresses all issues discussed prior to the scheduled second reading. The document shall also include reduced copies of the revised conceptual plan exhibits. If there are no additional requirements, corrections or conditions attached by the town council at the second reading, the executed document shall be signed by the town clerk and mayor and forwarded to the county clerk for recording. If there are additional requirements, corrections or conditions attached by the town council at the second reading, the applicant shall revise the agreement and conceptual plan and return the documents to the town clerk within thirty (30) days for execution and recording. The requirement to return the document within thirty (30) days shall be specified by the town council as a condition for approval of the rezoning.

(i) *Failure to provide timely resubmission.* Failure to meet any of the resubmission deadlines cited above shall require the filing of a new application, including the appropriate review fees.

(1) Extension of resubmittal deadliness. The planning and zoning official may extend the deadlines cited above, when warranted by unforeseeable events. A request for extension shall be filed in writing with the department explaining the circumstances justifying the extension.

(j) *Final development plan approval.* Unless otherwise noted within the development approval for subdivisions or site plans within the PCD, the PCD approval shall be required in accordance with the general procedures established by this Code. Conceptual plan exhibits of

the master development agreement which fully satisfy the requirements for conceptual subdivision plan submittal shall be considered as such.

(k) *Expiration of master development agreement.* Any master development agreement executed and recorded after the adoption of this development code shall be required to include an expiration date or series of expiration dates tied to specific improvements or phases. Such date(s) shall be determined based upon the size of the project, the installation of physical improvements, and any other factors pertinent to the specific proposal. If the town should determine that the developer has failed to satisfy the requirements necessary to avert expiration, the development agreement shall be considered null and void, and the approval of any additional final development plans for the PCD shall both be permitted without resubmission and approval of a new development agreement in accordance with the procedures established in this development code.

(l) *Amendments to the master development agreement and/or conceptual development plan.* Subsequent to execution and recording, the master development agreement and/or conceptual development plan may be amended at any time upon mutual agreement of both the town and the appropriate amending party, unless otherwise provided in the agreement. Application for amendment of the master development agreement and/or conceptual development plan shall be made to the planning and zoning department utilizing the form provided by the planning and zoning department for that purpose and accompanied by the appropriate review fee. Initial application shall be accompanied by five (5) copies of the proposed amendment. Upon receipt of the application by the planning and zoning department, the amendment shall be placed on the agenda of the LPA. Subsequent to action by the LPA, final review shall be requested by the town council.

(1) *Permitted uses.* Conditions can be imposed on the site development when determined to be necessary by the planning and zoning official.

- a. Adult/vocational education.
- b. Game/recreation facilities.
- c. Health/exercise clubs.
- d. Restaurants.
- e. Retail, grocery and drug stores.
- f. Theaters.
- g. Child care centers.
- h. Funeral homes.

(2) *Prohibited uses.* The following uses are specifically prohibited for these properties.

- a. Adult entertainment.
- b. Bars, lounges and night clubs.

- c. Greenhouses and nurseries (wholesale).
- d. Hotels/motels.
- e. Laundry/dry cleaning plants.
- f. Mobile home sales.
- g. Motor vehicle repair facilities.
- h. Motor vehicle service centers.
- i. Motor vehicle service stations.
- j. Pawn shops.
- k. Tattoo parlors.
- l. Veterinary clinics.

(m) *Violation of master development agreement or amendment.* It is a violation of this Code for any person to violate, or to refuse, or fail to comply with any provision of a development agreement or an amendment to such agreement. Violations may be prosecuted or enforced as provided by law for prosecution or enforcement of municipal ordinances.

SECTION 25. § 154-26. - C-2 LIMITED COMMERCIAL DISTRICT.

(a) *Purpose.* The purpose of the C-2 Limited Commercial District is to provide areas for development of uses of land for all legal retail product sales and services normally located in a central business area. It is intended to include all uses expressly permitted and those implied which are conducive to commercial center development but to exclude the normal industrial, warehousing, storage and such uses which do not blend with and add to the business activities of retailing of goods and services.

(b) *Principal uses permitted.* Principal uses permitted shall be as follows:

- (1) All principal retail and/or office or service establishments, except service stations and drive-in food or drink establishments.
- (2) Any legal use of land or building which offers goods or services for retail sale or rental to the public or any sector of the public. Such uses shall include new and used cars, truck, tractor or farm equipment display for any retail sale; mobile home display and sale; outdoor advertising structures and devices which meet setback requirements; small bakeries where not more than four (4) persons are employed and the products produced are primarily sold on the premises; food and drink establishments, except for drive-in sales; repair services of any goods or machinery; veterinary clinics, not including open holding pens or exercise yards; and any combination of permitted uses.

(c) *Accessory uses permitted.* Accessory uses permitted shall be as follows:

(1) Any use normally considered to be clearly incidental and secondary to the permitted use; when in question, this shall be decided as a special exception.

(d) *Special exception uses.* Special exception uses, which may be permitted by the board of zoning adjustment after public hearing, shall be as follows:

(1) Any use which the building inspector determines and states in writing to be questionable as to whether or not it is permitted.

(2) Any church or church use.

(3) Convalescent or nursing home.

(4) Boarding house or rooming house.

(5) Residential use in conjunction with retail and/or office use. (Except in situations requiring, as an integral part of business operations, that someone be present to represent the owner on a twenty-four-hour basis, residential use shall be confined to the owner of the premises).

(6) Medical or dental clinics.

(e) *Prohibited uses.* Prohibited uses shall be as follows:

(1) Any use which is primarily for storage or warehousing of goods or products.

(2) Any warehousing operation, either within a building or in open yards where the product is stored for a fee for others or for delivery to retailers.

(3) All manufacturing, assembly or fabrication of parts. This includes commercial printing, except small offset print or duplicating operation employing not more than two (2) persons. This will include from this district all enterprises designated as manufacturing by a Standard Industrial Classification (SIC) code number assigned by the United States Commerce Department.

(4) Residential uses.

(f) *Lot and living area minimum requirements.* Lot and living area minimum requirements shall be as follows:

(1) Lot and living area minimum requirements for residential uses shall be as follows:

Use	Minimum Lot Area	Minimum Living Area
Churches	30,000 sq. ft.	200 seats or less
Churches	40,000 sq. ft.	Over 200 seats
Public schools	10 acres	None
Day Nurseries	10,000 sq. ft.	1,000 sq. ft.*
Boarding or rooming houses	10,000 sq. ft., plus 2 sq. ft. of land area for each 1 sq. ft. of floor area above 1,200	120 sq. ft. per room
Convalescent or nursing homes	10,000 sq. ft., plus 2 sq. ft. of land area for each 1 sq. ft. of floor area above 1,900	120 sq. ft. per room
Medical or dental clinics	10,000 sq. ft., plus 1 sq. ft. of land area for each 1 sq. ft. of floor area above 1,200	
*Note: Or as required by state or county regulations, whichever are most restrictive.		

(2) Nonresidential uses shall have no minimum requirements other than those necessary to meet parking and setback requirements.

(g) *Yard and building requirements and height limitations.* Yard and building requirements and height limitations shall be as follows:

(1) Nonresidential uses shall be the same as those in C-1 Districts.

a. Yard and building requirements shall be as follows:

1. Churches:

a. Front yard:

i. Principal use: Twenty-five (25) feet.

ii. Accessory buildings not permitted in front yards.

b. Rear yard: Twenty (20) feet.

c. Side yard:

i. Principal use: seven and one-half (7½) feet for a one-story structure, plus one (1) foot of yard for each one (1) foot of structure height above one (1) story.

ii. Accessory uses: Five (5) feet.

2. Professional offices or personal services: No side or rear yard shall be required at locations where property abutting that proposed to be used for this purpose is in a commercial or industrial zoning classification. However, where adjoining property is in any residential zoning classification, there shall be not less than ten (10) feet distance between the structure and the residentially zoned property line. There shall be a minimum of twenty (20) feet between the front or side building line and any right-of-way on any front or side street or alley.

b. No building or structure shall exceed two (2) stories or thirty-five (35) feet in height. Any structure proposed to exceed thirty-five (35) feet in height shall be considered by the board of zoning adjustment as a special exception and may thereby be permitted, provided that fire protection provisions meet all county and state requirements and the board of zoning adjustment authority is not exceeded.

(2) *Lot coverage.* Lot coverage restrictions shall be as follows:

a. *Churches and church uses:* Lot coverage by all buildings on any lot or parcel shall not exceed fifty (50) percent of the total net land area.

b. *Other uses:* There shall be no minimum except for that needed to provide side, rear and front yards, where required.

(3) *Setbacks.* Unless otherwise provided elsewhere in this section, all buildings in the C-2 Zoning District shall have a front setback of no less than twenty (20) feet, and side setbacks shall be no less than five (5) feet.

(4) *[Lot width restrictions.]* Lot width restrictions shall be as follows:

a. *Church uses:* The minimum lot width shall be fifty (50) feet.

b. *Other uses: Commercial uses:* The minimum lot width shall be fifty (50) feet.

§ 154-26.1. - C-2A Professional Commercial District.

(a) *Purpose.* The purpose of the C-2A Professional Commercial District is to provide areas for development of uses of land for professional office, business, legal, and limited retail product sales and services normally located in a low intensive business area. It is intended to include all uses expressly permitted and those implied which are conducive to commercial/professional development but to exclude high impact service and sales and the normal industrial, warehousing, storage and such uses which do not blend with and add to the business activities of professionally-based goods and services.

(b) *Principal uses permitted.* Principal uses permitted shall be as follows:

(1) All low impact retail and/or office or service establishments, excluding automobile or mobile home display and sale, tractor or farm equipment display for any retail sale, service stations, and drive-in food or drink establishments.

(2) Any legal use of land or building which offers professional goods or services for retail sale or rental to the public or any sector of the public. Such uses shall include medical/dental offices, consulting services, and small bakeries where not more than four (4) persons are employed and the products produced are primarily sold on the premises; food and drink establishments, except for drive-in sales;

(c) *Accessory uses permitted.* Accessory uses permitted shall be as follows:

(1) Any use normally considered to be clearly incidental and secondary to the permitted use; when in question, this shall be decided as a special exception.

(d) *Special exception uses.* Special exception uses, which may be permitted by the board of zoning adjustment after public hearing, shall be as follows:

(1) Any use which the zoning official determines and states in writing to be questionable as to whether or not it is permitted.

(2) Any church or church use.

(3) Residential use in conjunction with professionally oriented retail and/or office use. (Except in situations requiring, as an integral part of business operations, that someone be present to represent the owner on a twenty-four-hour basis, residential use shall be confined to the owner or lessee of the premises).

(4) Funeral home.

(5) Repair services of non-vehicular goods, computers, electronic equipment, and similar small equipment.

(e) *Prohibited uses.* Prohibited uses shall be as follows:

- (1) Any use which is primarily for storage or warehousing of goods or products.
- (2) Any warehousing operation, either within a building or in open yards where the product is stored for a fee for others or for delivery to retailers.
- (3) All manufacturing, assembly or fabrication of parts. This includes commercial printing, except small offset print or duplicating operation employing not more than three (3) persons. This will include from this district all enterprises designated as manufacturing by a Standard Industrial Classification (SIC) code number assigned by the United States Commerce Department.
- (4) All new or used automobile, motorcycle, boat, or personal watercraft lots or facilities.
- (5) Outside machinery repair or tool rental facilities.
- (6) Residential uses (except as allowed under special exception uses).
- (7) No outside display of retail merchandise shall be allowed.
- (8) Convenience stores or mini-markets.
- (9) Laundromats.
- (10) Commercial car washes.

(f) *Lot and living area minimum requirements.* Lot and living area minimum requirements shall be as follows:

(1) Lot and living area minimum requirements for residential uses shall be as follows:

Use	Minimum Lot Area	Minimum Living Area
Churches	30,000 sq. ft.	200 seats or less
Churches	40,000 sq. ft.	Over 200 seats
Medical or dental clinics	10,000 sq. ft., plus 1 sq. ft. of land area for each 1 sq. ft. of floor area above 1,200	

(2) Nonresidential uses shall have no minimum requirements other than those necessary to meet parking and setback requirements.

(g) *Yard and building requirements and height limitations.* Yard and building requirements and height limitations shall be as follows:

(1) Nonresidential uses shall be the same as those in C-1 Districts.

a. Yard and building requirements shall be as follows:

1. Churches:

i. Front yard:

(a) Principal use: Twenty-five (25) feet.

(b) Accessory buildings not permitted in front yards.

ii. Rear yard: Twenty (20) feet.

iii. No side or rear yard shall be required at locations proposed to be used for this purpose where no street abuts the property. However, there shall be not less than ten (10) feet between a side building line and any right-of-way on any side street or alley.

2. Professional offices or personal services: No side or rear yard shall be required at locations where property abutting that proposed to be used for this purpose is in a commercial or industrial zoning classification. However, where adjoining property is in any residential zoning classification, there shall be not less than ten (10) feet distance between the structure and the residentially zoned property line. For noncorner lots, there shall be a minimum of twenty (20) feet between the front building line and any right-of-way on any front street or alley. On corner lots, there shall be a minimum of fifteen (15) feet between the side building line and any right-of-way on any front or side street or alley.

b. No building or structure shall exceed two (2) stories or thirty-five (35) feet in height. Any structure proposed to exceed thirty-five (35) feet in height shall be considered by the board of adjustment as a special exception and may thereby be permitted, provided that fire protection provisions meet all county and state requirements and the board of adjustment authority is not exceeded.

(2) *Setbacks.* Unless otherwise provided for elsewhere in this section, all buildings in the C-2A Zoning District shall have a front setback of no less than twenty (20) feet, and side setbacks shall be no less than five (5) feet.

(3) *Lot coverage.* Lot coverage restrictions shall be as follows:

a. *Churches and church uses:* Lot coverage by all buildings on any lot or parcel shall not exceed fifty (50) percent of the total net land area.

b. *Other uses:* There shall be no minimum except for that needed to provide side, rear and front yards, where required.

(4) *[Lot width restrictions.]* Lot width restrictions shall be as follows:

a. *Church uses:* The minimum lot width shall be fifty (50) feet.

b. *Other uses: Commercial uses:* The minimum lot width shall be fifty (50) feet.

SECTION 26. § 154-27. - C-3 COMMERCIAL LIGHT MANUFACTURING DISTRICT OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 154-27. - C-3 Commercial Light Manufacturing District.

- (a) *Purpose.* The purpose of the C-3 Commercial Light Manufacturing District is to provide for land uses which are primarily for storage, light manufacturing, retailing and wholesaling enterprises.
- (b) *Principal uses permitted.* Principal uses permitted shall be as follows:
- (1) Any business or establishment of a general retail, wholesale or service type. Retail shall be limited to uses combined with wholesale, and/or manufacturing.
 - (2) Light manufacturing uses which are non-hazardous and whose premises do not contain any outdoor or open storage or above ground tank storage of merchandise, products or materials except for automobiles and delivery or service vehicles.
 - (3) Light industry not detrimental to the health and welfare of the town by the emission of odor, dust, smoke, fumes or by the attraction of rodents and vermin.
- (c) *Accessory uses permitted.* Accessory uses permitted shall be as follows:
- (1) Any use normally considered to be clearly incidental and secondary to the principal permitted use.
- (d) *Special exception uses.* Special exception uses, which may be permitted by the board of zoning adjustment after a public hearing shall be as follows:
- (1) Any use which the building inspector determines by written opinion to be a questionable use within the district or to be an obnoxious or offensive use which would be detrimental to the Town of Lake Placid or harmful to the general health and well-being of the public.
- (e) *Prohibited uses.* Prohibited uses shall be as follows:
- (1) All residential uses.
 - (2) Any use which, in the opinion of the building inspector, dangerously overloads a public utility or right-of-way access or which will be obnoxious and offensive and detrimental

to the Town of Lake Placid or harmful to the general health and well-being of the public, as finally determined by the board of zoning adjustment.

- (3) Junkyards (salvage).
 - (4) Processing, and/or packaging food with livestock.
 - (5) Petroleum (refining).
 - (6) Tank storage/outside warehousing.
 - (7) Manufacturing/chemicals, textiles, etc.
- (f) *Lot and living area minimum requirements.*
- (1) Yard and building requirements shall be as follows:
 - a. Front yard: twenty (20) feet.
 - b. Side and rear yard: no minimum setback, except where adjoining property or property across the street is residentially zoned, in which case there shall be a side and rear yard setback requirement of twenty (20) feet.
 - (2) Height limitations shall be two (2) stories or thirty-five (35) feet.
- (g) *Lot coverage.* No minimum coverage is required other than necessary to establish setback and parking requirements.
- (h) *Lot widths.* No minimum lot widths are established except for those necessary to meet parking and setback requirements.
- (i) *Fencing.* If any security fencing or fencing other than decorative fencing shall be installed next to or adjacent to a residential area, the owner or tenant shall provide camouflage with adequate landscaping, such as shrubs, hedges or vines in combination with shrubs.

SECTION 27. § 154-27.1. - PLANNED DEVELOPMENT (PD) DISTRICT OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 154-27.1. - Planned Development (PD) District.

- A. *Purpose and intent of the district.* The Planned Development (PD) District is designed to allow an applicant to submit a PD application for consideration, and to allow the town council to approve any application which it determines to be in the best interest of the public health, safety, and welfare, along with any conditions, requirements or limitations thereon which the town council deems advisable. The PD District is intended to:
1. Promote more efficient and economic uses of land;
 2. Provide opportunities for design innovations by individual planned developments which are not provided for or allowed in the underlying zoning districts established by this chapter;
 3. Promote home ownership opportunities for all residents of the community;

4. Encourage flexibility in design and permit planned integration of multiple uses and structures;
 5. Encourage uses of land which reduce transportation impacts;
 6. Provide for more usable and suitable located recreational facilities, open spaces and scenic areas, either commonly owned or publicly owned, than would otherwise be provided under conventional land development procedures;
 7. Lower development and building costs by permitting smaller lots, networks of utilities, and streets and the use of more economical building types and shared facilities; and
 8. Accomplish more desirable living and working environments than would be possible through the strict application of the minimum requirements of the Town's other zoning and subdivision Regulations.
 9. The LPRP outside of the Developed Historic Town Area shall be guided by density policies allowing for a maximum of 3 dwelling units per gross acre by encouraging clusters with net densities not to exceed 12 units per net acre.
- B. *Voluntary procedure.* Rezones to the PD District shall be a voluntary procedure to be pursued at the option of the applicant. The Town shall not initiate such on privately owned lands. Rezones to the PD District are required when there is a land use change, plat, rezoning or subdivision. See Section 154-8. for exemptions.
- C. *Establishment of PD Districts.* A PD District may occur in all zoning districts or may be an independent zoning district. PD Districts will be established over or in place of, the respective zoning district by amendment of the official zoning map. PD zoning may be any of the following:
1. A new PD Zoning District with no underlying zoning; or
 2. A PD Zoning District overlaying (and modifying) an underlying zoning district; or
 3. A PD Zoning District which overlays a newly created zoning district.
- D. *Effect of planned development approval.* When approved pursuant to the provisions of this code, the conceptual development plan and other documents as are adopted by ordinance shall constitute an amendment to the Town Code. All planned development ordinances shall be included in chapter 159 of the Code of the Town of Lake Placid. Development within a planned development shall occur in conformity with the approved ~~conceptual~~ preliminary development plan.
- E. *Application of other ordinances.* All building codes, housing codes, and other land use Regulations of the town (and applicable regulations of the county) are applicable to the PD District. Special exceptions and zoning variances are not allowed.
- F. *Application requirements.* Applications to rezone land to the PD District shall contain the data and analysis listed below. The town planning and zoning official shall determine the completeness of the application.
- G. *Planned Development District development plan (preliminary site plan).* Applications for PD District zoning shall be accompanied by a professionally prepared master development

plan that will convey the general extent and character of the proposed improvements and which shall comply with ~~one (1) of the two (2)~~ following options:

1. ~~Large scale planned development.~~ A large scale PD District application shall include ~~more than ten (10) acres of land~~ and shall include a Planned Development District development plan drawn to acceptable scale ~~and~~:
 - a. The title of the project and name of developer; and
 - b. A general location map; and
 - c. A site as-built map indicating the boundaries of the subject property, all existing streets, buildings, water courses, the existing topography at contour intervals adequate to show drainage, existing land uses, and other important physical features within the proposed project; and
 - d. The PD site development plan should illustrate the proposed use of all land within the project boundaries, including all buildings and building sites, the location and function of all areas proposed to be dedicated or reserved for community or public use, the proposed public and private circulation system, including vehicular and pedestrian if applicable, as well as, primary access points to the existing street network, and, if applicable, illustrate anticipated development phasing; and
 - e. The anticipated demand and impacts from the anticipated project population or an estimate of consumer and/or employee and/or residential dwelling unit impact on all proposed drainage, potable water, sanitary wastewater, and other utility service systems, solid waste generation, and parks and recreation based on the levels of service (LOS) established by the comprehensive plan; and
 - f. Location of xeric uplands, wetlands; and cutthroat seeps; and a list of permit applications for state or federal environmental reviews; and
 - g. A conceptual development program statement that includes: for residential development, the anticipated numbers of dwelling units, by type, the area of all individual uses, the potential population estimate at build-out; and for nonresidential development, the gross floor area, the floor area ratio (FAR) or building mass on the plan; and
 - h. Traffic analysis. A traffic impact analysis study prepared pursuant to standards contained in article 9 and article 13 of chapter 12 of the Highlands County Code of Ordinances and the Highlands County Technical Standards Manual; and
 - i. Affidavit of ownership. An affidavit documenting the legal description of the land and the name, address and intent of every owner of an interest in the property; and
 - j. Other information. Optional graphic material may be submitted to illustrate the proposed residential product through architectural elevations and perspective sketches for conveying and clarifying the nature of the proposed development. The same will be accepted for nonresidential developments.
 - k. Planned development ordinance. The application for Planned Development Zoning District shall include the proposed planned development ordinance and site plan.

2. *Small scale planned development.* Small scale Planned Development Districts shall include ten (10) acres or less of land. Commercial planned developments shall meet the criteria for commercial small scale comprehensive plan amendments. Residential small scale planned developments shall have less than twelve (12) units per acre. All small scale planned developments shall include the same information as required in Large Scale PD applications, except for subsections ~~154.13(g)1.e.~~ 154-27.1G.1.h. ~~and 154.13(g)1.e.~~ The planning and zoning official shall determine whether a traffic impact analysis identical to the requirements of small scale comprehensive plan amendments is required.

H. *General requirements.* The following requirements apply to all planned developments.

1. *Permitted uses.* Any use permitted in the underlying zoning district may be permitted. The town council may delete specific uses permitted in the underlying district. Any use not expressly permitted in the underlying district may be permitted with the approval of the town council. A new PD Zoning District with no underlying zoning shall include proposed permitted uses (subject to town council approval).
2. *Development standards.* PD applications may propose development standards based on underlying zoning district or the PD Zoning District, but are subject to approval by the town council. All other development standards will be established by the underlying district. However, the town council may permit modification of any specific requirement of the underlying district. Variations to Section 154-27.1.H.7. through Section 154-27.1.H.19. may be allowed through the PD process.
3. *Phasing.* When provisions for phasing are included in the development plan, each phase of the development must be so planned and so related to previous development, surrounding properties, and the available public facilities and services that a failure to proceed with subsequent phases of development will have no adverse impact on the completed phase(s) or surrounding properties.
4. *Compliance with comprehensive plan required.* A planned development must be consistent with the town's comprehensive plan. However, the town council may increase those standards, as appropriate to meet the impacts of the planned development.
5. *Other conditions may be imposed by the town council.* The town council may establish, in addition to concurrency requirements and the time limits set by relevant development orders cited in the land development regulations, reasonable conditions, including periods of time for completing the project or phases thereof including any dedicated public facilities which are a part of the development or required by the development.
6. *Underground utilities.* All utilities shall be installed underground (except electric transmission lines). Underground utilities better survive storms and are cost effective if installed as a development is being constructed.
7. *Access management standards.* Access to U.S. 27 and collector roads shall be managed through the use of, service roads (including frontage and backage roads) and access roads in a manner that protects the taxpayer's investment in the road system by reducing

traffic impacts. Developers shall use to the greatest extent possible, shared drives, service roads, and linked parking lots. Division of property after July 1, 2006, shall not be used to create new parcels acquiring separate access rights to U.S. 27 or any other road (such newly created parcels shall have access only through the parent tract, unless reasonable benefit to the public is demonstrated by the applicant).

Access to individual and/or uses as part of an overall project, either requested for approval at one time or over a cumulative basis, shall be by an internal road system, frontage roads, cross-access easements, shared ingress/egress access easements, or some combination of these, off of a main access to a collector or arterial road.

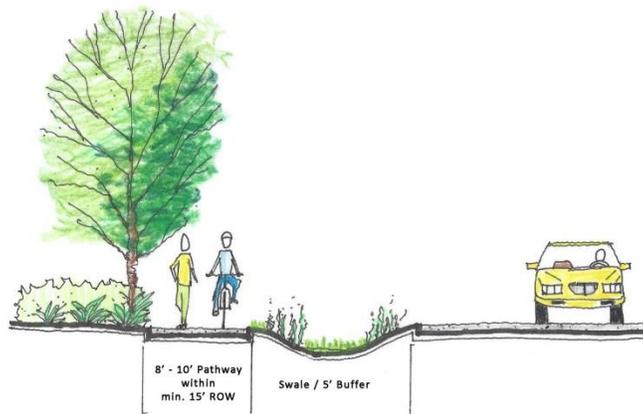
Different uses shall incorporate the use of shared ingress/egress facilities even if on the same parcel or multiple parcels.

<u>TYPE OF ROADWAY</u>	<u>ROW</u>	<u>TRAFFIC LANES</u>	<u>FRONT SETBACK</u>	<u>MIN. SIDEWALK WIDTH</u>	<u>MIN. PLANTER WIDTH</u>
<u>Frontage/Backage Road (2 Lanes)</u>	<u>24'-32'</u>	<u>22'</u>	<u>15'</u>	<u>5'</u>	<u>5'</u>

8. **Multipurpose paths or trails.** The Town of Lake Placid desires to develop multipurpose paths for jogging, biking and walking. Collector roads shall include right-of-way of at least fifteen (15) feet for such paths. Developers shall either construct path segments adjacent to the proposed PD; or pay for the construction of similar improvements off-site related to the impacts of the PD. The paths are part of a coordinated trail and multi-use path system that provides interconnectivity for the entire planning area. The system design will accommodate an eight-foot pathway, adequate landscaping area, and maintenance.

On existing roads in developed areas, trails should be added to the extent that right of way is available. If right of way is not available in developed areas, paved shoulders at least five (5) feet wide may be substituted. Trails are not required (but are encouraged) within private gated communities, and along low traffic neighborhood roads.

Figure 154-27.1.H.8.A.
Multi-Use Trail





9. **Parks.** Parks and recreation shall be provided (and maintained) to meet the following level of service for the Lake Placid area, based on state recommended standards and comparable cities for a total of ~~eight (8)~~ ten (10) acres per one thousand (1,000) people. ~~(parks classifications)~~

Proposed Park Classification	Proposed Level of Service per 1,000 Population	Facilities
Equipped play area/tot lot	.1 acre	Play structures, benches, picnic areas, open spaces, landscaping
Neighborhood	2.0 acres	Play structures, recreation buildings, court games, hard courts, tennis courts, internal trails, shuffleboard, volleyball courts, picnic area, open area, landscaping
Community	5 acres	All of the facilities found in a neighborhood park plus informal ball fields, swimming pools, archery ranges, disc golf areas, ornamental gardens, open space and facilities for cultural activities

10. ~~Applicant to pay fair share.~~ The applicant shall pay the fair share of the total traffic impacts caused by the PD. The calculation of traffic impacts shall recognize the existing and committed development (at build out) which impact the PD. Existing trip capacity in the road system (capacity existing on July 1, 2006) shall be equitably allocated to the landowners in the affected area based upon the area's total build-out and related

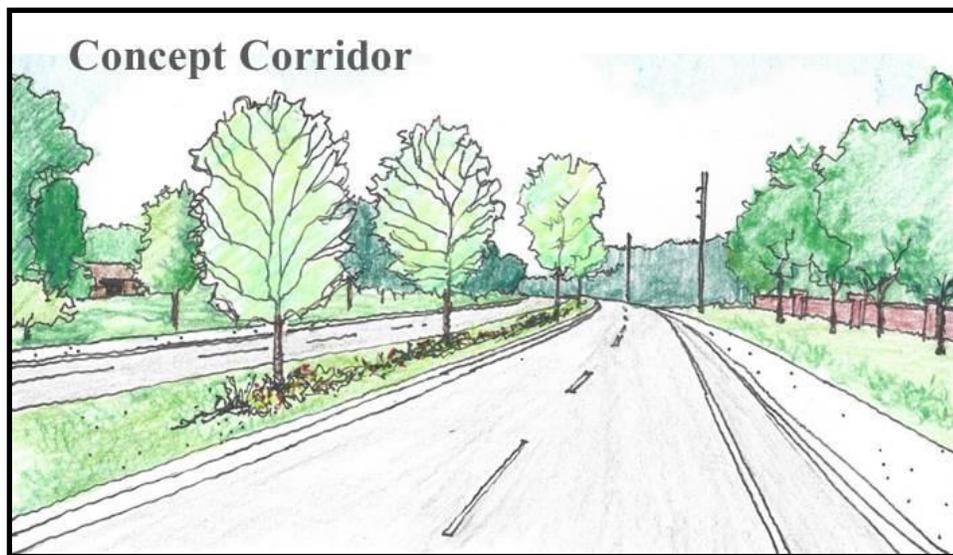
concurrency requirements. Developers will be required to construct or otherwise provide traffic system improvements (based upon the impact of the PD) even though the impacts will not drop traffic below LOS C.

11. ***Buffering.*** Provide maintenance, landscaping, landscaped berms, and irrigation to buffer roads, multipurpose paths, and nonresidential development.
12. ***Infrastructure.*** Off-site infrastructure serving private development including roads, water, central wastewater, and other public facilities shall be funded privately by developers according to law. On-site infrastructure shall be provided by the developer or land owner. Infrastructure improvements shall be addressed through a binding infrastructure agreement.
13. ***Payment in Lieu of Parks.*** Developers may contribute money equal to the value of the number of developed park acres required; or in the alternative, acquire and convey park acreage equal in value to the required developed park acreage in lieu of park acreage. The advanced approval of the payment in lieu of park land or the park acreage to be conveyed is required. The acres contributed or the payment in lieu shall both include the cost of improving the land to become functional parkland (land cost, clearing, engineering, construction and management fee, shall be included in the payment). Payment in lieu of parks shall only be done through the PD Ordinance process. Payments in lieu of parks in the LPRP shall be spent in the LPRP.
14. ***Lake Shore Parks.*** Public parks and private parks along the shore of lakes should be allowed if contiguous to the land served, but only as herein regulated. Said parks may contain docks, picnic areas, marinas, restaurants, and boat ramps. However, the development and use of these parks shall be balanced with reasonable accommodations to protect the respective lakes and the affected riparian homeowners and neighbors. The following general standards apply:
 - a. Lake shore parks should provide services (land areas and lake front) in proportion to their anticipated use. Lake shore parks with higher anticipated use should be proportionately sized and should provide adequate maintained landscape buffers from adjacent residential uses.
 - b. The park's level of service should be a minimum size for lake parks (ten [10] acres per 1,000 persons). A long narrow parcel should not be used. The parcel shall have significant lake front relative to the lake park acreage. The actual design, setback, and buffer of every lake front park shall be included in and approved only through the PD Ordinance.
 - c. Lake shore parks should have no more than two (2) boat slips and two (2) personal water craft slips per 90 feet of lake front. Only one (1) dock shall be allowed per park. Parking and other facilities needed to accommodate the park and slips shall be required. This is not intended to allow on-water boat storage or the rental or sale of boat slips.

- d. Boat ramps, docks, slips, and structures adjacent to vested residential development shall be significantly buffered from neighbors. The need for buffering decreases with the setback of the ramp and slips from vested residential neighborhoods.
 - e. The amenities (docks, slips and ramps) and setbacks on smaller lakes should be smaller than those on the larger lakes.
 - f. Lake shore parks may be allowed with appropriate safeguards. A lot with less than 100 feet on the lake will not be adequate for a lake shore park with a dock. Maintenance and security shall be addressed in the PD Ordinance.
15. *Green Space, Open Space and Maximum Lot Coverage.*
- a. Open space within the Area should be at least 30% for new development (residential). Open space for redevelopment may be less and shall be determined by the government with jurisdiction at the time of PD.
 - b. Maximum lot coverage shall be 40% in the multi-family parcels (that percentage may increase/decrease with height of building—taller buildings should have more open space). Lot coverage includes the building footprint, impervious parking spaces, roads, and other impervious surfaces. Pools, tennis courts, and similar amenities are considered open space and not lot coverage.
 - c. Green space shall be at least 10% of the Open Space.
 - d. Green space requirements should increase to 40% if residential development is proposed for four (4) or more stories in height to encourage the use of structured parking, and to mitigate building height. This additional green space should be in the area of the taller building.
16. *Driveways.* Private driveways for new platted lots on an existing collector or arterial road and new collector and arterial roads shall be prohibited. Driveways in proposed developments will be serviced by internal (public or private) community roadways. All parking spaces shall be accessed by a driveway and shall not have direct access to collectors and arterial roads.
17. *Residential Drive on Major and Minor Collectors.* Residential drives shall not be allowed on major or minor collectors, however, an exception may be made where this policy prevents the reasonable use of land. This exception should not be used to simply increase density. Parcels divided after the effective date of the LPRP may not rely upon this exemption to gain additional curb cuts or driveways. Where existing conditions require exception, individual drives shall be discouraged in favor of combined drives.

18. **Parking.** Parking requirements for residential and nonresidential development may be decreased or increased if the developer presents a parking study demonstrating a reduced need based on the proposed use. The use of unpaved parking areas may be allowed, where appropriate, to increase green space and pervious area. Parking requirements may be increased if parking study shows that a specific use requires additional parking.
19. **Traffic Circulation Systems (Within Developments).** Traffic circulation system within developments shall be designed utilizing a network system that will be open to the public. However, the network may incorporate a grid system, a curvilinear design pattern and traffic circles where appropriate. The design of the circulation system shall encourage internal capture of road trips, thereby preserving capacity on the existing exterior arterials. Gated communities may be permitted. Ownership of the arterial, collector and local roadway system may be held by an appropriate governmental entity, community development district, master homeowners association, or a combination thereof. The internal roadway system shall be a combination of a two-lane undivided and a two-lane divided system. Where appropriate, four lane-divided systems may also be utilized. The divided lane system will be landscaped to improve the traveling experience and to provide beautification to the development.

Figure 154-27.1.H.19.A.: Example of 4-lane divided corridor



- I. ***Status of previously approved PD's.*** All planned development projects approved shall be governed by the approved PD plan and any agreements, terms and conditions to which the approval may be subject, as long as the project continues to be actively under development.

- J. **Minor Amendments to approved planned development plan.** Whenever any application is made to substantially modify the approved PD plan or to undertake a new development on part or all of the property, the application shall be made under the terms and procedures of the PD District. ~~Major amendments to an existing planned development must be approved by the town council.~~ An individual or cumulative increase in density or intensity of less than one (1) percent does not require an amendment. Minor amendments to an existing planned development may be approved by the planning and zoning official. Minor changes include the following:
1. Internal realignment of rights-of-way, other than a relocation of access points to the PD itself, where there is no net reduction of the size of conservation/preservation areas or required easements; and
 2. Relocation of building envelopes where there is no encroachment upon required conservation or preservation areas and no reduction in the setbacks between the buildings and perimeter boundary lines; and
 3. Relocation of swimming pools, clubhouses, or other recreation or other common facilities when such relocation will have no net impact on adjacent properties or land uses; and
 4. Relocation, reduction, or reconfiguration of lakes, ponds, or other water facilities subject to the submittal and approval of revised water management plans.
- K. **Major Amendments. Review and approval process.** Except as provided in subsection 154.13-J, all amendments, changes in uses, conditions or development standards and any other change in an approved planned development will be considered at public hearings, by the local planning agency for recommendation to the town council for approval.

SECTION 28. § 154-27.2. - THE HIW PLANNED DEVELOPMENT ORDINANCE OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

- (1) *Findings of fact and conclusions of law:* The town council received and considered the application and all related comments; testimony and evidence submitted by the developer; comments by the appropriate reviewing agencies and the public; and the recommendation of the town's local planning agency. Based upon the forgoing and the developer's commitment to comply with the terms and conditions of this section, the Lake Placid Town Council makes the following findings of fact and conclusions of law:
- (a) *Project.* This project shall be known as the "HIW Planned Development" or the "development" and applies to 17.725+/- acres of land legally described on Exhibit A (the "PD land"). The PD land is within the Town of Lake Placid.
 - (b) *Owner.* The PD land is owned by 27 Northwest, LLC.
 - (c) *Developer.* The PD land is being developed by HIW Development, LLC, a Florida Limited Liability Company (the developer), or its successor. The planned development application was submitted by the developer and owner. The owner and the developer shall be herein referred to as the "developer" because both consent to this ordinance and because this ordinance runs with the land and is binding on all future owners.

- (d) *Comprehensive plan amendment.* The developer has satisfactorily addressed all town issues. The PD land is not located in an area of critical state concern. The development will not interfere with the achievement of the objectives of the adopted state comprehensive plan F.S. ch. 163. Florida Statutes §§ 163.3161—163.3215 empower the town council (council) to adopt and to amend the Town of Lake Placid Comprehensive Plan (comp plan).
 - (e) *Public notice.* The public notice requirements of F.S. ch. 163 and the Town Code have been satisfied.
 - (f) *LPA public hearing.* The local planning agency ("LPA") held a duly noticed public hearing to consider the planned development application. The LPA heard and considered testimony and documents and recommended to the council to approve the planned development.
 - (g) *Town public hearings.* The Lake Placid Town Council held two (2) duly noticed public hearing to consider the application for the planned development. At each hearing, the town council heard and considered testimony and documents and approved the planned development.
 - (h) *Consistency.* The town council finds that this ordinance is consistent with the adopted Town of Lake Placid Comprehensive Plan. The town council finds that this ordinance is necessary to promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, morals and general welfare of the Town of Lake Placid.
- (2) *General conditions, restrictions and limitations.* The council, having made the above findings of fact and conclusions of law, hereby adopts the following general and specific conditions, restrictions and limitations:
- (a) *Runs with the land.* This ordinance shall be binding upon and inure to the benefit of the PD land, developer, its successors and assigns, including any entity, which may assume any of the rights bestowed, or responsibilities imposed upon the developer by this ordinance.
 - (b) *Continuation of government and utilities.* Any reference herein to any governmental agency or utility company shall be construed to mean any future entity, which may be created or designated as successor to, or which otherwise, possesses any of the powers and duties of, any branch of government, governmental agency or utility company.
 - (c) *Further review.* Whenever this ordinance provides for reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the council as well as all governmental agencies and departments set forth under applicable laws and legally adopted rules.
 - (d) *Noncompliance.* Failure by the developer (or the developer's successor in interest) to comply with the terms and conditions of this ordinance (as determined by the town planning and zoning official) shall result in the suspension of approval or issuance of further development permits and certificates of occupancy until the noncompliance is

cured. The decision of the town's planning and zoning official may be reviewed denovo by the town council.

- (e) *Land development regulations.* The Town of Lake Placid Land Development Regulations (specifically including the portions of the Highlands County Code adopted on or before March 31, 2007) shall govern the HIW planned development. All development undertaken pursuant to this ordinance shall be in accordance with applicable local codes, ordinances, and other laws in effect at the time of permitting except as otherwise specifically provided herein. All development phases shall comply with the PD conceptual site development plan, and any applicable plat and/or site plan requirements of the Town of Lake Placid Land Development Regulations.
- (f) *Amendment.* Any amendment to this ordinance shall comply with the town's comprehensive plan in effect at the time of the amendment. If a phase of the planned development in this ordinance is amended, then the portions of the development which are not affected by the amendment shall remain vested.
- (g) *Future fees.* The provisions of this ordinance do not preclude the application of any other general government fees or any impact fees regardless of their nature either existing at adoption or enacted thereafter (including any increases in existing fees).
- (h) *Improvement schedule.* The applicants shall adhere to the following schedule (the precise times are set out in subsection 154-36(7):

IMPROVEMENT	COMPLETION	
Park, Multi-Use Path, Heartland Boulevard, Roadways, Capacity Agreement		
Neighborhood Park	Completed before 1st C.O.	Refer to Subsection 154-27.2(4).
Community Park	Completed before 1st C.O.	Refer to Subsection 154-27.2(4).
Multi-Use Path	Completed before 1st C.O.	Refer to Subsection 154-27.2(6)(e).
Heartland Blvd ROW dedication	Within 12 months after adoption	Refer to Subsection 154-27.2(6)(c).
Heartland Blvd Improvement	Completed before 1st Bldg. permit	Refer to Subsections 154-27.2(6)(b) and (e).
Turn lane and Entrance	Completed before 1st Bldg. permit	Refer to Subsection 154-27.2(6)(c).
Internal Roads	Completed before 1st Bldg.	Refer to Subsection 154-27.2(6)(d).

	permit	
Capacity Agreement	Completed before Dec. 11, 2006	Refer to Subsection 154-27.2(4)(b).

- (i) *Completion dates and rezoning.* Construction of the development subject to this ordinance shall commence within thirty-six (36) months after the effective date of this ordinance and be completed within thirty-six (36) months after commencement. If physical development has not commenced or been completed during these time frames, the town council may rezone the property to agricultural zoning (which existed prior to the adoption of this ordinance). The foregoing notwithstanding, these time limits may be extended for a reasonable period upon petition of the developer to the town council.
 - (j) *Residential dwellings.* The development shall include up to but not more than one hundred seventy-eight (178) residential dwelling units depicted on the PD conceptual site plan incorporated as Exhibit B.
 - (k) *School concurrency.* The School Board of Highlands County has been advised of the development. All applicable impact fees (and school concurrency fees or mitigation required by the ordinance in effect at the time of building permit) shall be paid at the time each building permit is issued for the development, or as otherwise provided by applicable ordinance.
- (3) *HIW Development R-2/PD Planned Development Zoning District.* This R-2/PD Planned Development Zoning District is hereby established on and for the PD land.
- (a) *Underlying zoning district.* The underlying zoning for the development is the town's R-2 Residential Zoning District (section 154-23.).
 - (b) *Zoning overlay.* The Planned Development Zoning District (section 154-27.1) is established as an overlay by this ordinance. The development shall be subject to the other provisions of chapter 154 of the Code of Ordinances, Town of Lake Placid, Florida which are not inconsistent with this ordinance. Accordingly, the zoning for the development is R-2/PD.
 - (c) *Conceptual site plan.* The development's conceptual site development plan is incorporated as Exhibit B and shall be considered as part of this zoning district. The conceptual site development plan shows the general location of buildings, amenities, roads and open space. The exact location/configuration of structures and amenities will be subject to further refinement on the final site plan or plat. Minor amendments may be made to the conceptual site development plan, pursuant to section 154-27.1 of the Code of Ordinances of the Town of Lake Placid, Florida; provided however that the number of residential units may be increased only by proper amendment of this ordinance. The final site plan shall be submitted to and approved by the LPA prior to the first building

permit. If the property is platted, the final site plan approval may be concurrent with the plat approval.

- (d) *Uses.* Permitted principal uses and structures in this district shall be:
1. One hundred seventy-eight (178) multiple-family dwelling units.
 2. Parking facilities that are ancillary to the residential units.
 3. Guard houses.
 4. Maintenance facilities.
 5. Clubhouse facilities and parking associated with the clubhouse.
 6. Recreational buildings and facilities, social centers, playgrounds, playfields, parks and benches and gazebos.
- (e) *Accessory uses.* Permitted accessory uses and structures in this district shall only be accessory to the permitted uses when located on the same lot.
- (f) *Variance.* Variances to the standards listed in this ordinance may only be made by the Town Council of the Town of Lake Placid, as an amendment to this ordinance; or as a minor amendment according to section 154-27.1 of the Town Code (excepting an increase in the number of units).
- (g) *Open space.* At a minimum the project will provide fifty (50) percent of its gross land area as open space consisting of all land area not devoted to residential buildings.
- (h) *Minimum set back requirements.*
1. Perimeter minimum: Fifty (50) feet.
 2. Interior street minimum: Twenty (20) feet.
- Multifamily units shall have twenty (20) feet minimum building, separation otherwise all setbacks as stated above shall apply.
- (i) *Height.* No portion of any structure shall exceed:
- Multifamily residential: Three (3) stories with a maximum of thirty-five (35) feet.
- Permitted nonresidential uses such as clubhouses may be one (1) story but not greater than twenty (20) feet tall.
- (j) *Buildings.* Minimum floor areas (excluding carports, porches, patios, storage, and utilities) in this district shall be nine hundred (900) square feet for each multifamily residence. Each building shall be three (3) stories tall. The first floor shall be parking. Residential units shall be on the second and third floors.
- (k) *Signs.* Signs are not allowed in this district, except for the following signage for the site, as depicted on the conceptual site development plan:
1. A landscaped entrance wall feature with identification signage on Heartland Boulevard, not to exceed six (6) feet in height.

2. Internal directional signage at appropriate locations.
 3. Clubhouse signage at appropriate scale to the facility.
- (l) *Pump stations.* Structure for wastewater and water pump stations shall be landscaped so as not to be visible from roadways and adjacent residential uses.
- (m) *Parking.* At least two (2) parking spaces shall be provided for each dwelling unit. The owner or occupant shall be limited by deed restriction to only two (2) vehicles per unit. Additional parking spaces, equal to ten (10) percent of the total residential parking spaces, shall be provided for guest parking for a sum total of three hundred ninety-two (392) residential and guest parking spaces. Parking lot design (for the recreation areas) shall conform to town's off-street parking and loading requirements (chapter 161).
- (4) *Public facilities requirements:*
- (a) *Water and wastewater facilities.* Water and wastewater service shall be provided by the town, utilizing all existing department of environment protection standards. The developer shall be responsible for all costs associated with bringing/connecting these services to the site. The developer shall utilize the services of an established PSC regulated private or public contractor licensed to construct the required system. All applicable Local, state and federal permits to operate the system shall be obtained and filed with the town prior to the issuance of the first residential C.O.
 - (b) *Water and wastewater service.* The developer shall enter into a capacity agreement with town for the surrender of certain water rights to the town; the provision by the town of potable water and wastewater service to the development; and the developer's payment of the system development. Credit will be given for any portion of wastewater reserved under the agreement between the town and Smoak. The agreement shall be secured by bond or certificate of deposit approved by the town attorney.
 - (c) *Parks.* The town's level of service requirement is five (5) acres for community park, two (2) acres for neighborhood park, and one (1) acre for mini-park per one thousand (1,000) persons. The neighborhood and mini-park requirement that the developer is to provide on site, based upon the one hundred seventy-eight (178) units is one point two (1.2) acres. The developer shall develop the neighborhood park to be private, containing at least a playground, one (1) pool, one (1) multi-use court, and other appropriate facilities to accommodate the needs of the residents. Parks shall be in place prior to the first C.O. The community park requirement the developer is to provide and maintain for the Town of Lake Placid is five (5) acres per one thousand (1,000) persons. Based upon the one hundred seventy-eight (178) units, the developer is to provide two (2) acres of external community park land. To satisfy the external community park requirements, the developer shall pay to the town the sum of eighty thousand one hundred thirty-six dollars (\$80,136.00) per acre for each acre of community park which is the responsibility of the developer (the developer shall pay to the town the sum of one hundred eleven thousand three hundred eighty-nine dollars (\$111,389.00)). Said payment shall be paid before the first building permit is issued in order for the development to meet this level of service. Developer shall receive credit towards the satisfaction of the town's park level of service requirement equivalent to developer's

contribution of the multi-use path, pursuant to subsection (6)(f). This same land, the multi-use path, may not be used for transportation impact fee credit if used to meet the town's community park level of service.

- (d) *Recycle center.* The developer shall construct centrally located recycling collection center(s) within and for the development. The same shall be shown on the final site plan or plat.
- (e) *Internal roads.* All roads internal to the development shall be private roads and owned and maintained by the condominium association or home owners association. The ownership and maintenance obligation shall be set out in the deed restrictions and condominium association or home owners association documents.

(5) *Environment and natural resources:*

- (a) *Water management.* The stormwater management system shall be maintained by the condominium association or homeowner association.
- (b) *Landscape water conservation.* Xeriscape landscaping and water conservation irrigation techniques should be used on the development. Eighty (80) percent native plant species as specified by the Highlands County LDRs must be used. Ecologically viable portions of existing native vegetation should be incorporated into the landscape design to the greatest extent practicable. The developer shall install reuse lines, and connection for such within the development, for landscape irrigation. When and if available, the development will utilize reuse water for irrigation.
- (c) *Potable water conservation.* For the purpose of potable water conservation, the development shall utilize high efficiency (low volume) plumbing fixtures, and other water conserving devices in all structures and facilities in accordance with applicable building codes.
- (d) *Invasive exotics.* Invasive exotic species listed in Highlands County LDRs shall be eliminated if found on-site prior to the first C.O. The homeowners association or condominium association shall maintain the development free of the invasive exotic plants.
- (e) *Landscape.* The developer shall provide the following irrigated landscaped areas, to wit: buffers, setbacks, open space, multi-use trails. The landscape plan shall be submitted with the final site plan or plat. The irrigation system shall be schedule 40 or stronger PVC.
- (f) *Monitoring.* In addition to any monitoring reports required by this ordinance, copies of any monitoring reports required under other local, regional, state or federal permits, which relate to the environmental and natural resources on the development shall be submitted to the town planning and zoning director.

(6) *Transportation.*

- (a) *Transportation impacts.* Transportation improvements may require off-site mitigation to satisfy concurrency requirements of the town and county. Those impacts will be addressed prior to final plat, prior to the issuance of the first building permit, or prior to the final PD site development plan, whichever first occurs.

- (b) *Concurrency* . The concurrency mandated facility improvements required for this development shall be determined at or before final site plan approval. The developer retains the right to provide funding, design, engineering and construction of the improvements described in this subsection (6)(b).
- (c) *Right-of-way conveyance*. The developer shall convey about sixty (60) feet of right-of-way (enough to bring the total width of Heartland Boulevard to one hundred twenty-five (125) feet) along the north side of Heartland Boulevard to Highlands County. The developer may apply to Highlands County for credit for the county's transportation impact fees (credit shall not be given for the northerly ten (10) feet of the conveyance because it shall be used for the multi-use path). The right-of-way conveyed shall not be used by the developer for landscape buffers or other such improvements that are required elsewhere in this ordinance or the town land development regulations. The right-of-way shall be conveyed to Highlands County within twelve (12) months after this ordinance is adopted.
- (d) *Private roads*. All roads within the development shall be private; may be gated; and shall be built to Highlands County standards for public roads at the time of construction. All internal roads within the respective phase shall be completed prior to the issuance of the first certificate of occupancy.
- (e) *Multi-use path*. The northerly ten (10) feet of the right-of-way shall be used for the ten-foot wide multi-use path. The developer shall construct to town and county standards, the ten-foot wide multi-use path depicted on the PD conceptual site development plan. The developer shall be given credit by the Town of Lake Placid for the multi-use path toward the community park level of service requirements. The multi-use path shall be completed by the developer by pursuant to subsection (2)(i) of this section before the first building permit is issued.
- (f) *Impact fees*. Developer may apply to Highlands County for impact fee credits for the dedication of Heartland Boulevard pursuant to the terms of the adopted Highlands County Impact Fee Ordinance. The foregoing notwithstanding, any value attributable to the dedicated right-of-way (for Heartland Boulevard) in excess of any impact fee credits granted to the developer, or its successor, shall not be applied to any other developments, or refunded to the developer.
- (g) *Additional traffic study*. In addition to the initial traffic study, the owner and developer shall provide an updated traffic study prepared and submitted prior to final PD site development plan approval, construction plan approval, final development permit, plat approval, final site plan approval or first residential building permit, whichever is later. Upon acceptance of the updated study, the town shall determine if any additional transportation improvements are required and the time when those improvements must be completed. The town may withhold any further development approval, including but not limited to, the issuance of building permits, until the updated study is completed and accepted, and any additional transportation improvements are assured for completion. The town shall be under no obligation to participate in any costs associated with providing these improvements or traffic study.

- (h) *Alternative concurrency cost share calculations.* Prior to construction, the developer shall pay or provide (at the town's option) the concurrency mandated traffic improvements being the greater of the following alternative cost calculation methods:
1. The Traffic improvements required by this ordinance, the comprehensive plan amendment for this development and the existing traffic study for this development.
 2. The costs determined at the time of development (immediately prior to the first residential building permit) using the county concurrency management system and proportionate fair share ordinance.
 3. The cost or improvements identified in the additional traffic study in subsection (6)(g) above.
- (i) *Heartland Boulevard improvement.* The developer shall pay its share of the signalization of United States Highway 27 intersection at Heartland Boulevard. The developer's share shall be based upon its prorata share of trips generated as demonstrated by the traffic study performed at the time by the approved methodology (including HIW, Lake Partners and any other development impacting the respective improvement).
- (j) *Updated traffic study.* The developer shall provide an updated traffic study if fifty (50) percent of the proposed project is not under construction within five (5) years of the issue of the D.O. Additional off-site improvements, if necessary to maintain level of service (LOS) or the LOS adopted by the town at that time shall be identified in the updated traffic study, and the D.O. shall be amended. Development activities shall proceed in a manner concurrent with the provisions of the additional improvements and the revised build-out, if applicable.
- (8) *Homeowner's association.* A homeowner's association or condominium association (at the developers option) shall be established for the development (the "association") prior to the issuance of the first certificate of occupancy, and prior to the conveyance of any parcel by the developer (or successor developer). The association's declaration of covenants, conditions and restrictions (the declaration) shall encumber all of the PD land, and shall include the following provisions:
- (a) *Common area maintenance.* The association shall be responsible for the maintenance of the common areas (to include but not limited to, private roads, sidewalks, and open space, parks, and buffers) within the development.
 - (b) *Roads.* The association shall own and maintain the internal roads. Said roads shall not be conveyed to the town or county.
 - (c) *Irrigation and landscape.* The association shall maintain the irrigation systems, reuse lines, landscaped buffers, setbacks, sidewalks, all other common areas and the water management district mandated systems, all in a good and workman like manor, and in accordance with the approved landscape plan.
 - (d) *Parking.* The association shall prohibit any owner from maintaining on the premises more than two (2) motor vehicles; and shall require recreational vehicles and boats (if

they fit) to be parked within the owner's assigned parking spaces (or another owner's space with permission and within one (1) of the buildings on the development). No recreational vehicles or boats shall be parked outside.

- (e) *Buildings.* The association shall maintain the exterior of all buildings and improvements.
- (f) *Enforcement.* The association shall include a provision granting to the Town of Lake Placid the right, duty and power to enforce the restrictions.

(9) *Utilities.*

- (a) *Underground utilities.* All utilities (specifically including electric distribution lines) shall be installed and maintained underground.
- (b) *Streetlights.* The developer shall install streetlights within the development which are substantially equal in size shape and quality to the streetlights used on Interlake Boulevard and Main Street, Lake Placid.
- (c) *Reuse lines.* The developer shall install reuse lines (to lawful standards) within the development. The developer shall design permit and cause to be installed, and connected according to law, the reuse supply lines from the point established by the town to the development on the development. The developer shall pay the reuse system development charge established by the Town Code from time to time.

(10) *Severability.* If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not be construed to render the remaining provisions of this ordinance invalid or unconstitutional.

(11) *Effective date.* This ordinance shall take effect upon the expiration of the period allowed by law to appeal the notice of intent (NOI) to find the plan amendment in compliance published by the DCA, or, in the case of appeal, such later date as the in compliance determination becomes final as provided by law.

(Ord. No. 2006-523, § 1(160-1—160-1.11), 1-8-07)

Editor's note—

Ord. No. 06-523 enacted provisions to be designated as ch. 106, §§ 160-1—106-1.9. In order to maintain categorical standards, said provisions have been redesignated as § 154-27.2

Exhibits A and B, hereinabove referenced are attached to Ord. No. 06-523 and are on file with the town clerk.

**SECTION 29. § 154-27.23 - HIGHLANDS COVE DEVELOPMENT ORDINANCE.
OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:**

- (1) *Findings of fact and conclusions of law:* The town council received and considered the application and all related comments; testimony and evidence submitted by the developer;

comments by the appropriate reviewing agencies and the public; and the recommendation of the town's local planning agency. Based upon the forgoing and the developer's commitment to comply with the terms and conditions of this ordinance, the Lake Placid Town Council makes the following findings of fact and conclusions of law:

- (a) *Project.* This project shall be known as the "Highlands Cove Planned Development" or the "development" and applies to twelve point eighty-nine (12.89) acres of land legally described on the survey incorporated as Exhibit A (the "PD land"). The PD land is within the Town of Lake Placid.
 - (b) *Owner.* The PD land is owned by Lake Partners, LLC., a Florida Limited Liability Company.
 - (c) *Developer.* The PD land is being developed by Lake Partners, LLC., a Florida Limited Liability Company (the developer), or its successor. The planned development application was submitted by the developer and owner. The owner and the developer shall be herein referred to as the developer, because both consent to this Ordinance and because this ordinance runs with the land and is binding on all future owners.
 - (d) *Comprehensive plan amendment.* The developer has satisfactorily addressed all town issues. The PD land is not located in an area of critical state concern. The development will not interfere with the achievement of the objectives of the adopted state comprehensive plan F.S. ch. 163. Florida Statutes §§ 163.3161—163.3215 empower the town council to adopt and to amend the Town of Lake Placid Comprehensive Plan (comp plan).
 - (e) *Public notice.* The public notice requirements of F.S. ch. 163 and the Town Code have been satisfied.
 - (f) *LPA public hearing.* The local planning agency (LPA) held a duly noticed public hearing to consider the planned development application. The LPA heard and considered testimony and documents and recommended to the council to approve the planned development.
 - (g) *Town public hearings.* The Lake Placid Town Council held two (2) duly noticed public hearing to consider the application for the planned development. At each hearing, the town council heard and considered testimony and documents and approved the planned development.
 - (h) *Consistency.* The town council finds that this ordinance is consistent with the adopted Town of Lake Placid Comprehensive Plan. The town council finds that this ordinance is necessary to promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, morals and general welfare of the Town of Lake Placid.
- (3) *General conditions, restrictions and limitations.* The council, having made the above findings of fact and conclusions of law, hereby adopts the following general and specific conditions, restrictions and limitations:
- (a) *Runs with the land.* This ordinance shall be binding upon and inure to the benefit of the PD land, developer, its successors and assigns, including any entity which may assume

any of the rights bestowed, or responsibilities imposed upon the developer by this ordinance.

- (b) *Continuation of government and utilities.* Any reference herein to any governmental agency or utility company shall be construed to mean any future entity, which may be created or designated as successor to, or which otherwise, possesses any of the powers and duties of, any branch of government, governmental agency or utility company.
- (c) *Further review.* Whenever this ordinance provides for reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the council as well as all governmental agencies and departments set forth under applicable laws and legally adopted rules.
- (d) *Noncompliance.* Failure by the developer (or the developer's successor in interest) to comply with the terms and conditions of this ordinance (as determined by the town planning and zoning official) shall result in the suspension of approval or issuance of further development permits and certificates of occupancy until the noncompliance is cured. The decision of the town's planning and zoning official may be reviewed de novo by the town council.
- (e) *Land development regulations.* The Town of Lake Placid Land Development Regulations (specifically including the portions of the Highlands County Code adopted on or before March 31, 2007) shall govern the development. All development undertaken pursuant to this ordinance shall be in accordance with applicable local codes, ordinances, and other laws in effect at the time of permitting except as otherwise specifically provided herein.
- (f) *Amendment.* Any amendment to this ordinance shall comply with the town's comprehensive plan in effect at the time of the amendment.
- (g) *Future fees.* The provisions of this ordinance do not preclude the application of any other general government fees or any impact fees regardless of their nature either existing at adoption or enacted thereafter (including any increases in existing fees).
- (h) *Improvement schedule.* The applicants shall adhere to the following schedule:

IMPROVEMENT	COMPLETION
Park, Multi-Use Path, Heartland Boulevard, Roadways, Capacity Agreement	
Neighborhood Park	Completed before 24th residential C.O.
Community Park	Completed before 1st residential C.O.
Multi-Use Path	Completed before 1st residential C.O.

Hillcrest Street ROW Dedication	Prior to final adoption
Hillcrest Street Improvements	Completed prior to 1st C.O.
Turn lane and Entrance on Hillcrest Street	Completed before 1st C.O.
Internal Roads	Completed before 1st C.O.
Capacity Agreement	Completed before Dec. 11, 2006

- (i) *Completion dates and rezoning.* Construction of the development subject to this ordinance shall commence within thirty-six (36) months after the effective date of this ordinance and be completed within thirty-six (36) months after commencement. If physical development has not commenced or been completed during these time frames, the town council may rezone the property to agricultural zoning (which existed prior to the adoption of this ordinance). The foregoing notwithstanding, these time limits may be extended for a reasonable period upon petition of the developer to the town council.
 - (j) *Residential dwellings.* The development shall include up to but not more than one hundred twenty-eight (128) residential dwelling units depicted on the PD conceptual site plan incorporated as Exhibit B.
 - (k) *School concurrency.* The School Board of Highlands County has been advised of the development. All applicable impact fees (and school concurrency fees or mitigation required by the ordinance in effect at the time of building permit) shall be paid at the time each building permit is issued for the development, or as otherwise provided by applicable ordinance.
- (3) *Highlands Cove Development R-2/PD Planned Development Zoning District: R-2/PD Planned Development Zoning District.* This R-2/PD Planned Development Zoning District is hereby established on and for the PD land.
- (a) *Underlying zoning district.* The underlying zoning for the development is the town's R-2 Residential Zoning District (section 154-23.).
 - (b) *Zoning overlay.* The Planned Development Zoning District (section 154-27.1) is established as an overlay by this ordinance. The development shall be subject to the other provisions of chapter 154 of the Code of Ordinances, Town of Lake Placid, Florida which are not inconsistent with this ordinance. Accordingly, the zoning for the development is R-2/PD.
 - (c) *Conceptual site plan.* The development's conceptual site development plan is incorporated as Exhibit B and shall be considered as part of this zoning district. The conceptual site development plan shows the general location of buildings, amenities,

roads and open space. The exact location/configuration of structures and amenities will be subject to further refinement on the final site plan or plat. Minor amendments may be made to the conceptual site development plan, pursuant to section 154-27.1 of the Code of Ordinances of the Town of Lake Placid, Florida; provided however that the number of residential units may be increased only by proper amendment of this ordinance. The final site plan shall be submitted to and approved by the LPA prior to the issuance of the first building permit. If the property is platted, the final site plan approval may be concurrent with the plat approval.

(d) *Uses.* Permitted principal uses and structures in this district shall be:

1. One hundred twenty-eight (128) multiple-family residential dwelling units (town homes, condominium units, and villas as shown on Exhibit C-2 incorporated herein).
2. Parking facilities that are ancillary to the residential units.
3. Guard house and gated entrance as shown on Exhibit C-1, incorporated herein.
4. Community center and associated parking.
5. Community mail center as shown on Exhibit C-3, attached and incorporated herein.
6. Playground and 2.1-acre neighborhood park.

(e) *Variance.* Variances to the standards listed in this ordinance may only be made by the Town Council of the Town of Lake Placid, as an amendment to this ordinance; or as a minor amendment according to section 154-27.1 of the Town Code (excepting an increase in the number of units).

(f) *Minimum set back requirements.*

1. Perimeter: Minimum twenty (20) inches (from the landscaped berm).
2. Interior street: Minimum twenty (20) inches.

Multifamily units shall have twenty (20) feet minimum building, separation otherwise all setbacks as stated above shall apply.

(g) *Height.* No portion of any structure shall exceed:

Multifamily residential: Two (2) stories with a maximum height of thirty-five (35) feet.

Permitted nonresidential uses such as clubhouses may be one (1) story, but not greater than twenty (20) feet tall.

(h) *Buildings.* Minimum floor areas (excluding carports, porches, patios, storage, and utilities) in this district shall be at least nine hundred (900) square feet for each multifamily residence. All buildings shall have a tile roof system.

(i) *Signs.* Signs are not allowed in this district, except for the following signage for the site, as depicted on the conceptual site development plan:

1. A landscaped entrance sign with identification signage on Hillcrest Street, as shown on exhibit C-4 incorporated herein.

2. Internal directional signage at appropriate locations.
 3. Clubhouse signage at appropriate scale to the facility.
 4. Temporary marketing signs (relating to the initial sale of the dwellings) according to the town sign code.
- (j) *Pump stations.* Structure for wastewater and water pump stations shall be landscaped so as not to be visible from roadways and adjacent residential uses.
- (k) *Parking.* At least two (2) parking spaces shall be provided for each dwelling unit. The owner or occupant shall be limited by deed restriction and this ordinance to only two (2) vehicles per unit. Additional parking spaces, equal to ten (10) percent of the total residential units, plus eleven (11) spaces for the community center shall be provided for guest parking. There shall be a total of two hundred ninety-two (292) residential and guest parking spaces within the development. Garages may not be converted or used for any purpose other than to garage an automobile (and reasonably related things).
- (4) *Public facilities requirements:*
- (a) *Water and wastewater facilities.* Water and wastewater service shall be provided by the town, utilizing all existing department of environment protection standards. The developer shall be responsible for all costs associated with bringing/connecting these services to the site. The developer shall utilize the services of an established PSC regulated private or public contractor licensed to construct the required system. All applicable Local, state and federal permits to operate the system shall be obtained and filed with the town prior to the issuance of the first residential certificate of occupancy.
 - (b) *Water and wastewater service.* The developer shall enter into a capacity agreement with town (prior to adoption) for the surrender of certain water rights to the town; the provision by the town of potable water and wastewater service to the development; and the developer's payment of the system development charges. The agreement shall be secured by bond or certificate of deposit approved by the town attorney.
 - (c) *Parks.* The town's level of service requirement is five (5) acres for community park, two (2) acres for neighborhood park, and one (1) acre for mini-park per one thousand (1,000) persons. The neighborhood and mini-park requirement that the developer is to provide on-site, based upon the one hundred twenty eight (128) units is two and one-tenth (21/10) acres.

The developer shall develop the two and one-tenth-acre neighborhood/mini park, containing at least a playground, one (1) pool, and one (1) community center. The neighborhood park shall be in place prior to the 24th certificate of occupancy. The town's community park level of service requires the developer to provide and maintain for the Town of Lake Placid five (5) acres of community park per one thousand (1,000) persons. Based upon the one hundred twenty-eight (128) units, the developer is to provide 1.472 acres of external community park. To satisfy the external community park requirements, the developer shall pay to the town the sum of eighty thousand one hundred thirty-six dollars (\$80,136.00) per acre for each acre of community park required for the development (the developer shall pay the town the sum of one hundred seventeen thousand nine hundred sixty dollars (\$117,960.00) to satisfy the developer's

community park obligation). Said payment shall be paid before the first residential building permit is issued. Developer shall receive credit towards the satisfaction of the town's park level of service requirement equivalent to developer's contribution of the Hillcrest Street right-of-way used for the multi-use path. This same land, the multi-use path, may not be used for transportation impact fee credit.

- (d) *Recycle center.* The developer shall construct centrally located recycling collection center(s) within the development. The same shall be shown on the final site plan or plat. The recycling collection center shall only be used for the development.
- (e) *Internal roadways.* All roads internal to the development shall be private and owned and maintained by the condominium association or homeowner's association. The ownership and maintenance obligation shall be set out in the deed restrictions and condominium association or homeowners association documents.
- (f) *Exterior buffering.* The developer shall install and the homeowners association shall maintain a landscaped buffer fifteen (15) feet wide on the north and south development boundary and ten (10) feet wide on the east development boundary. All three (3) buffers shall contain a solid wall six (6) feet tall equal in structure or better than a concrete wall. The landscaping shall be sufficiently dense to provide internal privacy for the residents and external screening for the neighbors. The landscape buffer shall be on each side of the wall and shall be planted, irrigated and maintained by the developer and then maintained by the Association according to the approved landscape plan. The western boundary shall have a decorative fence.

(5) *Environment and natural resources.*

- (a) *Water management.* The stormwater management system shall be maintained by the condominium association or homeowner's association.
- (b) *Landscape water conservation.* Xeriscape landscaping and water conservation irrigation techniques should be used on the development. Eighty (80) percent native plant species as specified by the Highlands County LDRs must be used. Ecologically viable portions of existing native vegetation should be incorporated into the landscape design to the greatest extent practicable. The developer shall install reuse lines, and connection for such within the development, for landscape irrigation. When and if available, the development will utilize reuse water for irrigation.
- (c) *Potable water conservation.* For the purpose of potable water conservation, the development shall utilize high efficiency (low volume) plumbing fixtures, and other water conserving devices in all structures and facilities in accordance with applicable building codes.
- (d) *Invasive exotics.* Invasive exotic species listed in Highlands County LDRs shall be eliminated on-site prior to the first certificate of occupancy. The homeowners association or condominium association shall maintain the development free of the invasive exotic plants.
- (e) *Landscape.* The developer shall provide, landscape, irrigate and the homeowners association shall maintain the following areas, to wit: road rights-of-way, buffers,

setbacks and open space. The landscape plan shall be submitted with the final site plan or plat. The irrigation system shall be schedule 40 or stronger PVC.

- (f) *Monitoring.* In addition to any monitoring reports required by this ordinance, copies of any monitoring reports required under other local, regional, state or federal permits, which relate to the environmental and natural resources on the development shall be submitted to the town planning and zoning director.

(6) *Transportation.*

- (a) *Transportation impacts.* Transportation improvements may require off-site mitigation to satisfy concurrency requirements of the town and county. Those impacts will be addressed prior to final plat, prior to the issuance of the first building permit, or prior to the final PD site development plan, whichever first occurs.
- (b) *Hillcrest turn lanes.* The developer shall construct a two hundred ten-foot northbound deceleration lane and taper; a northbound acceleration lane and taper; a southbound left turn land one hundred (100) feet long with a two hundred-foot taper all serving the entrance to the development, and all to Highlands County standards before the 64th residential certificate of occupancy is issued.
- (c) *Concurrency.* The concurrency mandated facility improvements required for this development shall be determined at or before the final site plan and shall be in place before the issuance of the first residential certificate of occupancy. The developer retains the right to provide funding, design, engineering and construction of the improvements described in this subsection (6).
- (d) *Right-of-way conveyance (Hillcrest).* The developer shall convey unencumbered the westerly thirty (30) feet of the development to become additional right-of-way (enough to bring the total width of Hillcrest Street to eighty (80) feet in width) adjacent to the east side of Hillcrest Street to the Town of Lake Placid (hereinafter the Hillcrest right-of-way). The right-of-way conveyed shall not be used by the developer for landscape buffers or other such improvements that are required elsewhere in this ordinance or the town land development regulations. The right-of-way shall be conveyed to the town prior to the adoption of this ordinance.
- (e) *Internal private roads.* All roads within the development shall be private; may be gated; and shall be built to Highlands County standards (for pavement and base matters but not right-of-way width) for public roads at the time of construction. All internal roads within the respective phase shall be completed prior to the issuance of the first certificate of occupancy.
- (f) *Multi-use path.* The easterly fifteen (15) feet of the Hillcrest right-of-way shall be used for the ten-foot wide multi-use path. The developer shall construct to town standards, the ten-foot wide multi-use path. The developer shall be given credit by the Town of Lake Placid for the multi use path toward the community park level of service requirements. The multi-use path shall be completed by the developer before the first certificate of occupancy is issued.
- (g) *Additional traffic study.* In addition to the initial traffic study, the owner and developer shall provide an updated traffic study prepared and submitted prior to final PD site

development plan approval, construction plan approval, final development permit, plat approval, final site plan approval or first residential building permit, whichever is later. Upon acceptance of the updated study, the town shall determine if any additional transportation improvements are required and the time when those improvements must be completed. The town may withhold any further development approval, including but not limited to, the issuance of building permits, until the updated study is completed and accepted, and any additional transportation improvements are assured for completion. The town shall be under no obligation to participate in any costs associated with providing these improvements or traffic study.

- (h) *Alternative cost share calculations.* At the time of the county's concurrency determination, the developer shall pay or provide (at the town's option) the traffic improvements being the greater of the following alternative cost calculation methods:
 - a. The traffic improvements required by this ordinance, the comprehensive plan amendment for this development, and the existing traffic study for this development.
 - b. The costs determined at the time of development (immediately prior to the first residential building permit) using the county concurrency management system and proportionate fair share ordinance.
 - c. The cost or improvements required in subsection (6)(g), above.
 - (i) *Heartland Boulevard improvement.* The developer shall pay its share of the signalization of United States Highway 27 intersection at Heartland Boulevard, the signalization of the Heartland Boulevard intersection at North Main Avenue, and the turn lanes on Heartland Boulevard at United States Highway 27 and at North Main Avenue. The developers share shall be based upon its prorata share of residential dwelling units (considered with the Silver and HIW developments).
 - (j) *Updated traffic study.* The developer shall provide an updated traffic study if fifty (50) percent of the proposed project is not under construction within five (5) years of the issue of this ordinance. Additional off-site improvements, if necessary to maintain level of service (LOS) C shall be identified in the updated traffic study. This ordinance shall be amended to require the additional off-site transportation system enhancements. Development activities (building permits) shall be issued only after the said transportation system enhancements have been completed (or secured by certificate of deposit, bond or locally drawn letter of credit).
- (7) *Homeowner's association.* A homeowner's association or condominium association (at the developers option) shall be established for the development (the "association") prior to the issuance of the first certificate of occupancy, and prior to the conveyance of any parcel by the developer (or successor developer). The association's declaration of covenants, conditions and restrictions (the "declaration") shall encumber all of the PD land, and shall include the following provisions:
- (a) *Common area maintenance.* The association shall be responsible for the maintenance of the common areas (to include but not limited to private roads, sidewalks, and open space, parks, community center and buffers) within the development.

- (b) *Roadways.* The association shall own and maintain the internal roads. Said roads shall not be conveyed to the town or county.
 - (c) *Irrigation and landscape.* The association shall maintain the irrigation systems, reuse lines, landscaped buffers, setbacks, sidewalks, all other common areas and the water management district mandated systems, all in a good and workman-like manor and all according to the approved landscape plan.
 - (d) *Parking.* The association shall prohibit any owner from maintaining on the premises more than two (2) motor vehicles; and shall require recreational vehicles and boats (if they fit) to be parked within the owner's assigned parking spaces (or another owner's space with permission and within one (1) of the buildings on the development). No recreational vehicles or boats shall be parked outside.
 - (e) *Buildings.* The association shall maintain the exterior of all buildings and improvements.
 - (f) *Enforcement.* The association shall include a provision granting to the Town of Lake Placid the right, duty and power to enforce the restrictions.
- (8) *Utilities.*
- (a) *Underground utilities.* All utilities (specifically including electric distribution lines) shall be installed and maintained underground.
 - (b) *Streetlights.* The developer shall install streetlights within the development which are substantially equal in size shape and quality to the streetlights used on Interlake Boulevard and Main Street, Lake Placid.
 - (c) *Reuse lines.* The developer shall install reuse lines (to lawful standards) within the development. The developer shall design permit and cause to be installed, and connected according to law the reuse supply lines from the point established by the town to the development. The developer shall pay the reuse system development charge established by the Town Code from time to time.
- (9) *Severability:* If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not be construed to render the remaining provisions of this ordinance invalid or unconstitutional.
- (10) *Effective date:* This ordinance shall take effect upon the expiration of the period allowed by law to appeal the notice of intent (NOI) to find the plan amendment in compliance published by the DCA, or, in the case of appeal, such later date as the in compliance determination becomes final as provided by law.
- (11) *Documents incorporated by reference:*
- Exhibit A: Legal description.
 - Exhibit B: PD Conceptual Site Development Plan.
 - Exhibit C (1—4) Conceptual Highlands Cove Plans.

ARTICLE V. - ADMINISTRATION AND ENFORCEMENT

SECTION 30. § 154-28. - PURPOSE.

The purpose of this article is to create the means for effective enforcement of these regulations and, in certain instances, for reasonable adjustment to the requirements directly in line with the stated intent of this chapter.

SECTION 31. § 154-29. - ENFORCEMENT OFFICIAL.

The building inspector or designee of the town council is hereby designated and authorized to enforce this chapter.

SECTION 32. § 154-30. - BUILDING PERMIT APPLICATION OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 154-30. - Building permit application.

~~Each application for a building permit shall be accompanied by a plot plan in duplicate, drawn to scale, showing the legal description and actual dimensions of the lot to be built upon, the size, shape and location of the building existing or to be erected and such other information as may be necessary to provide for the enforcement of this chapter. One (1) copy shall be stamped "Approved" or "Denied" and be returned to the applicant. The second copy shall be similarly stamped and filed in such office as the building inspector may direct. —~~The Town administers building permit applications through Section 155-13 providing for the adoption of specific sections of the Highlands County Code of Ordinances, Land Development Regulations.

SECTION 33. § 154-31. - CONSTRUAL ISSUANCE OF BUILDING PERMIT; LIMITATIONS ON BUILDING PERMITS OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 154-31. - Construal Issuance of building permit; limitations on building permits.

- (a) ~~The issuance of granting of a permit or approval of plans and/or specifications shall not be deemed or construed to be a permit for, or an approval of any violation of any of the provisions of this chapter. No permit presuming to give the authority to violate or cancel the provisions of this chapter shall be valid, except insofar as work or use which it authorizes is lawful. —~~The Town administers issuance of building permit; limitations on building permits through Section 155-13 providing for the adoption of specific sections of the Highlands County Code of Ordinances, Land Development Regulations.

- ~~(b) The issuance of a permit upon plans and specifications shall not prevent the building inspector from thereafter requiring the correction of errors in said plans and specifications or prevent building operations being carried on thereunder when in violation of this chapter or any other ordinance of the Town of Lake Placid, Florida. The validity of a building permit shall be terminated at the end of ninety (90) days from the date of issuance, unless substantial progress on actual construction is evident upon the building site; except that such time may be extended upon approval of the town council.~~

SECTION 34. § 154-32. - CERTIFICATE OF OCCUPANCY.

- (a) No vacant land shall be thereafter occupied or used except for agricultural, grove or pasturage, and no building hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy shall have been issued by the building inspector.
- (b) *Certificate of occupancy for a building.* A certificate of occupancy for a new building or for the alteration of an existing building shall be applied for coincident with the application for a building permit, and said certificate shall be issued within three (3) days after the requests for same shall have been made in writing to the building inspector after the erection or alteration of such building, or part thereof, shall have been completed in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the building inspector for a period not exceeding six (6) months during the completion of alterations or during the partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the town relating to the use of occupancy of the premises or any other matter covered by this chapter, and such temporary certificate shall not be issued under such restrictions and provisions as will adequately ensure the safety of the occupants.
- (c) *Certificate of occupancy for land.* A certificate of occupancy for the use of vacant land or the change in the character of the use of land, except for agricultural purposes as herein provided, shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within three (3) days after the application has been made, provided that such use is in conformity with the provisions of these regulations. A certificate of occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office designated by the building inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a certificate of occupancy.

SECTION 35. § 154-33. - CHANGES AND AMENDMENTS.

- (a) Any amendment, revision or change made in or to any part of this chapter shall become law by the same processes as required for the adoption of this chapter.
- (b) *Changes and amendments.* The town council may from time to time amend, supplement, change or repeal the regulations, restrictions or district boundaries as set out in this chapter after public hearing as provided by state law.
- (c) *Districts changed.* When a district shall hereafter be changed, any then existing nonconforming use in such changed district may be continued or changed to a use of similar or higher classification; provided that all other regulations governing the new use are complied with. Whenever a nonconforming use has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a nonconforming use of a lower classification.

SECTION 36. § 154-34. - PENALTIES FOR OFFENSES.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter shall be fined not less than five dollars (\$5.00), nor more than fifty dollars (\$50.00), or shall be imprisoned for not more than thirty (30) days, or both, in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 37. § 154-35. - BOARD OF ZONING ADJUSTMENT.

- (a) A board of zoning adjustment is hereby established, which shall consist of five (5) members consistent with the governing language in the Town Charter.
- (b) The organization and procedures under which the board operates, its arrangement of meetings, adoption of rules and its method of handling appeals, variances or any other related matters shall conform with the provisions of F.S. § 69.139.
- (c) Where it is demonstrated that there are practical difficulties or unnecessary hardships in carrying out the strict intent of this chapter, appeals to the board may be taken by any person aggrieved, or by any department of the governing body of the town affected by any decisions of the administrative official.
- (d) The board shall have the following duties and powers:
 - (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the administrative official in the enforcement of this chapter.
 - (2) To authorize upon appeal, in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of the chapter shall be observed and substantial justice done.

- (3) To authorize such special exceptions are specifically assigned to the board for its review under the terms of this chapter.
- (e) In exercising the above-mentioned powers, the board, by the concurring vote of a majority of a quorum present and voting, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the official from whom the appeal is taken.
- (f) In considering all proposed variations to this chapter, the board shall, before making any finding in a specific case, first determine that the proposed variation will not constitute any change in the districts shown on the revised zoning map and will not impair an adequate supply of light and air to adjacent property or materially increase the congestion in public streets or endanger the public safety or materially diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, morals and general welfare of the town.
- (g) Any person or persons, jointly or severally, aggrieved by any decision of the board, any taxpayer, any officer or department of the town may present to a court of competent jurisdiction in Highlands County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board, otherwise the decision of the board will be final.
- (h) The board of zoning adjustment shall fix a reasonable time for the hearing of appeals or other matters referred to it and give notice to the parties and decide the same within a reasonable time. At the hearing, any party may appear in person or be represented by agent or attorney.
- (i) Variances and special exceptions shall lapse and become null and void unless implemented within the time established by the board when the respective variance or special exception is granted. If no time is established, then the respective variance or special exception shall lapse, unless implemented within one (1) year from the date the order granting the variance or special exception is signed.
- (j) Variances and special exceptions granted before December 1, 2003 shall be null, void and of no effect unless implemented prior to January 1, 2005.

(Ord. No. 03-405, § 1, 11-3-03)

SECTION 38. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or divisions of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance.

SECTION 39. INCLUSION IN THE CODE. When the text of this Ordinance is published for inclusion in the Lake Placid, Florida Code of Ordinances, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined, double underlined, or highlighted shall be amended so that the text of the Code shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made.

SECTION 40. CODE REVISIONS. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Administrator or his or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

SECTION 41. CONFLICT. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 42. EFFECTIVE DATE. This Ordinance shall become effective on January 1, 2017.

ADOPTED AND ORDAINED during a regular meeting of the Lake Placid Town Council held this ____ day of _____, 2016.

TOWN OF LAKE PLACID,
a Florida municipal corporation

By: _____
John M. Holbrook, Mayor

Attest: _____
Eva Cooper Hapeman, Town Clerk

THIS ORDINANCE WAS READ in full or by title on at least two (2) separate days in two (2) Town Council meetings (on the ____ day of August, 2016 and on the ____ day of September, 2016). Notice of the proposed enactment containing the Ordinance title, stating that a copy may be obtained at Town Hall, and stating that adoption and advising that interested parties may appear at the meeting and be heard with respect to the proposed ordinance was published in Highlands Today on the 10th of July, 2016 and the ____ day of August, 2016 being at least thirty (30) days prior to adoption.

Eva Cooper Hapeman, Town Clerk

ORDINANCE 2016-724
(Amending Chapter 155–
Subdivisions and Regulations)

Ordinance 2016-724

CHAPTER 155– SUBDIVISIONS AND REGULATIONS

Summary of Amendments

SECTION

PROPOSED CHANGE

ARTICLE I.–GENERAL PROVISIONS

Section 155-1. –to Section 155-10. – Reserved.

New Sections:

Section 155-9.- Electric Utilities (to address recommendations of the Growth Management Committee) **(Pages 2-3 of Ordinance 2016-724)**

Section 155-10. – Compatibility, Landscaping and Buffering Standards (consistent with recommendations of the Growth Management Committee) **(Pages 3-38 of Ordinance 2016-724)**

New Section 155-10.

§ 155-10. - Compatibility, Landscaping and Buffering Standards.

§ 155-10.1. – Purpose and Intent

§ 155-10.2. – Landscape Plans, Irrigation Plans, and Permits

§ 155-10.3. – Landscaping

§ 155-10.3.1. – Selection of New Trees and Shrubs; Site Conditions

§ 155-10.3.2. – Preservation of Existing Trees and Shrubs

§ 155-10.3.3. – Exotic and Nuisance Plants

§ 155-10.3.4. – Minimum Tree Planting Height, Planting Area and Distance from Pavement

§ 155-10.3.5. – Minimum Shrub Planting Requirements

§ 155-10.3.6. – Ground Covers

§ 155-10.3.7. – Lawn Grass

§ 155-10.3.8. – Mulch

§ 155-10.3.9. – Planting Beds

§ 155-10.3.10. – Landscaping for Decorative and Masonry Walls

§ 155-10.3.11. – Tree Requirements for Residential Properties

§ 155-10.3.12. – Encroachments

§ 155-10.3.13. – Safe Sight Distance Triangles

§ 155-10.4. – Canopy Coverage and Tree Species

§ 155-10.4.1. – Vehicular Use Areas Interior Landscaping and Canopy Requirements

§ 155-10.4.2. – Tree Canopy & Buffer Yard Waivers

§ 155-10.5. – Buffer Yards

§ 155-10.5.1. – Buffer Yards Between Proposed and Abutting Land Uses and Vacant Property

§ 155-10.5.2. – Buffer Yards along Rights-of-Way

§ 155-10.5.3. – Buffer Yards for Free Standing or Satellite Parking Lots

§ 155-10.5.4. – Buffer Yard Diagrams

§ 155-10.5.5. – Buffer Yards, Utilities and Utility Easements

§ 155-10.6. – Installation, Irrigation, Inspection, Certificate of Occupancy/Completion and Maintenance

§ 155-10.7. – Violations and Penalties

§ 155-10.8. – Recommended Plant Species List

**Section 155-11. – Incorporated Town
Land Development Regulations.**

No amendments proposed. *(Page 38 of Ordinance 2016-724)*

**Section 155-12. – Legislative Provisions,
Authority, Purpose and Intent.**

Removed LPA acronym. *(Pages 39-43 of Ordinance 2016-724)*

**Section 155-13. – Adoption of
Highlands County Code of
Ordinances,
Land Development Regulations.**

Added reference to Section 152-4 for definitions.
Removed Landscape Standards and replaced with Transfer of
Development Rights
Added Archeological Resources *(Pages 43-44 of Ordinance 2016-724)*

**Section 155-14. – Construction Licensing,
Enforcement and Appeals.**

No amendments proposed. *(Page 44 of Ordinance 2016-724)*

ORDINANCE NO. 2016 -724

AN ORDINANCE OF THE TOWN OF LAKE PLACID, FLORIDA, AMENDING THE TOWN'S LAND DEVELOPMENT CODE TO IMPLEMENT THE LAKE PLACID REGIONAL PLAN; AMENDING CHAPTER 155-SUBDIVISIONS AND REGULATIONS; AMENDING SECTION 155-1.-RESERVED TO SECTION 155-10.-RESERVED; AMENDING SECTION 155-11.-INCORPORATED TOWN LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 155-12.-LEGISLATIVE PROVISIONS, AUTHORITY, PURPOSE AND INTENT; AMENDING SECTION 155-13.-ADOPTION OF HIGHLANDS COUNTY CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 155-14.-CONSTRUCTION LICENSING, ENFORCEMENT AND APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Lake Placid, Florida desires to amend the Town Code; and

WHEREAS, the Town Council, Local Planning Agency and Growth Management Committee approved the Report of the Lake Placid Area Growth Management Committee on May 29, 2007; and

WHEREAS, the Town Council adopted the "Town of Lake Placid 2030 Comprehensive Plan" on January 14, 2013, of which Objective 6 was added to the Future Land Use Element which includes policies specific to the Lake Placid Regional Plan; and

WHEREAS, amendments to the Town's Code are required to implement recommendations from the Growth Management Committee and the policies adopted in the Future Land Use Element of the "Town of Lake Placid 2030 Comprehensive Plan"; and

WHEREAS, amendments to the Town's Code are provided which remove inconsistencies and update references to Florida Statutes; and

WHEREAS, notice of this proposed Ordinance was published at least thirty (30) days prior to adoption in a newspaper of general circulation in the Town of Lake Placid; and

WHEREAS, the Lake Placid Local Planning Agency held a public hearing on said amendments on:

The ____ day of _____, 2016; and

WHEREAS, two public hearings were held by the Town Council on said Ordinance on:

The ____ day of _____, 2016; and

The ____ day of _____, 2016; and

WHEREAS, it appears in the best interest of the Town of Lake Placid that the Ordinance be adopted.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LAKE PLACID, FLORIDA:

SECTION 1. §§ 155-1.—155-10-8. - RESERVED.

Editor's note—

Section 2 of Ord. No. 06-544, adopted Dec. 11, 2006, repealed §§ 155-1—155-10, which pertained to subdivision regulation provisions and derived from the original codification of the Code, in their entirety.

SECTION 2. § 155-9. - RESERVED. ELECTRIC UTILITIES OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 155.9. - ~~Reserved.~~ Electric Utilities.

- A. *Underground Utility Services.* All utilities shall be underground in all new developments (residential subdivisions, commercial development and all redevelopments).
- B. *Electric Distribution Service Location.* To avoid conflicting with right-of-way and landscaping, electric distribution and utilities shall be within established utility corridors or within utility easements adjacent to each road. All plats and PDs shall include reasonable utility easements for this purpose. Preliminary plats should be reviewed by the utility companies.
- C. *Electric Transmission.* Utility Service Corridors around the populated areas should be established for electric transmission lines and utilities. The use of road rights of way for above ground electric transmission lines should not be permitted when a feasible alternative is reasonably available.
- D. *Underground Utility Fund.* The Town and County should adopt the appropriate ordinance to add \$2.00 to each monthly electric bill to be used exclusively to pay the cost of undergrounding utilities in the Lake Placid Area. Priority shall be given to funding undergrounding projects with one or more features (the more the higher the priority):

1. Significant matching funds.
2. Lower cost per line mile (cost effective projects).
3. Lines with higher public visibility.
4. Lines being installed or reinstalled, provided the construction or reconstruction cost is applied to the under grounding (after a hurricane would be a good time).
5. Preservation of the most spectacular views.

SECTION 3. § 155-10. – ~~RESERVED.~~ COMPATIBILITY, LANDSCAPING AND BUFFERING STANDARDS OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§ 155.10. - ~~Reserved.~~ Compatibility, Landscaping and Buffering Standards.

§ 155-10.1. Purpose and Intent.

The Town Council finds that landscaping makes important contributions to the public safety and the general welfare of the Town. The purpose and intent of this Section is to set forth requirements and standards for the provision of canopy trees and buffer yards, the conservation of native plants and trees, and the conservation of water resources in the Town. Specifically, it is intended that buffer yards will aid in reducing the potential negative impacts caused by glare, noise, dust, dirt, litter, odors and view of various land uses on adjacent properties. It is further intended that the planting of canopy trees will aid in lowering the ambient temperature of the air through increased shading; in conserving water; in enhancing the appearance of properties; in improving property values; and generally in protecting the health, safety and welfare of the public through the improvement of the quality of the human environment. As part of the development approval process, the Town of Lake Placid shall ensure that all new development is properly buffered to prevent adverse impacts on surrounding land uses.

§ 155-10.2. Landscape Plans, Irrigation Plans, and Permits.

Prior to issuance of a development permit, a landscape plan shall be submitted to the Town Administrator, or his or her designee, showing canopy tree and buffer yard information required by this Section. The landscape plan may be submitted separately, but shall be a part of a site development plan submission, where site development plan submission is required.

When landscaping is required under this Section, no building, grading or site preparation shall be allowed until the landscape and irrigation plans have been approved by the Town Council. The plans shall be dated and stamped approved by the Town, and only these plans and the requirements of this Section shall govern the construction of the site

landscaping, irrigation, and subsequent maintenance inspections. A permit shall be obtained for the project within twelve (12) months of the approval date of the approved landscape and irrigation plans or the plans shall become invalid, unless granted an extension.

A. Landscape Plan

1. The landscape plan shall:

- (a) Be drawn at a scale no smaller than one inch (1") equals 30 feet (30') on sheet size 24 inches by 36 inches (24" x 36"), unless otherwise approved in advance by the Planning and Zoning Official or his or her designee, and include dimensions, north arrow, date, title, and project owner's name;
- (b) Delineate the existing and proposed parking, vehicular surface areas, buildings, access points, and roadways;
- (c) Show all utility lines and easements (see § 155.10.5.5. for Utility and Landscaping Compatibility requirements);
- (d) Show the location of existing and proposed planting areas and vegetation communities and designate them by species name;
- (e) Show the location of permanent vegetation protection devices, such as barricades, curbing, and tree wells;
- (f) Show the landscaping required by this article, and any additional landscaping;
- (g) Show location of any water bodies or water courses;
- (h) Include a chart indicating graphic plant symbol, botanical and common name, quantity, height, spread, spacing, native status, drought tolerance rating, and type of mulch that will be used;
- (i) Include calculations showing how the requirements for the vehicular surface areas and transitional buffers have been determined;
- (j) Show the zoning classification of all adjoining property;
- (k) Include a dimensioned cross section of any proposed transitional buffer showing proposed trees, shrubs, walls, berms, and any ground cover or erosion control;
- (l) Include a dimensioned cross section of any proposed vehicular surface planting area when a berm is used, showing slope, height, and crown width;

- (m) Show slope, height and crown width on berm cross sections, and show complete construction details on wall and fence cross sections; and
 - (n) Contain the following certificate: "I hereby certify that the landscaping plan shown hereon is in substantial compliance with the Town of Lake Placid Land Development Code pertaining to landscaping."
2. The Town Council may waive landscape plan requirements in (a), above, upon determination that they are not applicable to the proposal.
 3. The preparer shall submit an "as built" plan and a certificate of completion to the Town Planning and Zoning Official as a prerequisite to receiving a certificate of occupancy.

B. Irrigation Plan.

1. The irrigation plan shall:
 - (a) Be drawn at a scale no smaller than one inch equals 30 feet on sheet size 24 inches by 36 inches, unless otherwise approved in advance by the Town Planning and Zoning Official, and include dimensions, north arrow, date, title, and project owner's name;
 - (b) Show existing vegetation to remain;
 - (c) Delineate existing and proposed buildings and other site improvements, parking spaces, aisles, and driveways;
 - (d) Indicate main, valves, pump locations, pipe sizes and specifications, controller locations and specifications, back flow preventor and rain sensing devices;
 - (e) Include an typical sprinkler zone plan indicating type, specifications and spacing, and coverage;
 - (f) If proposed, drip irrigation or soaker hoses and their layout; and
 - (g) Contain the following statement: "I hereby certify that the irrigation plan shown hereon is in substantial compliance with the Town of Lake Placid Land Development Code pertaining to irrigation system design."
3. The Town staff may waive irrigation plan requirements in (a) upon determination that they are not applicable to the proposal.
 - a. The preparer shall submit an "as built" plan and a certificate of completion

to the Town Planning and Zoning Official as a prerequisite to receiving a certificate of occupancy or as a prerequisite to recording a final plat.

- c. Irrigation systems shall be designed to avoid impacts with existing vegetation and field changes may be made to avoid disturbance of such vegetation, such as line routing, sprinkler head placement and spray direction adjustments.

4. Security for Plat Recording and Issuing a Certificate of Occupancy.

All required landscaping and irrigation shall be installed in accordance with plans prepared and approved pursuant to this chapter. In the event that the applicant desires to record a final plat or secure a certificate of occupancy prior to the completion of the landscaping and irrigation improvements, the procedure adopted in Article 4, chapter 12 of the Highlands County Land Development Regulations, entitled "Plats, Site Plans and Improvement Plans" of these regulations shall be followed.

§ 155-10.3. Landscaping

Landscaping shall include the conservation of native plants and trees; the selection and planting of trees to shade vehicular use areas, sidewalks and other paved surfaces; and the design, selection of trees and shrubbery, and the planting of landscape materials to establish buffer yards.

§ 155-10.3.1. Selection of New Trees and Shrubs; Site Conditions.

All plants identified in this Section are "Florida Friendly" plants for Highlands County, and are well suited to the environment in the Town. A Florida Friendly Landscape is designed to reduce impacts to the environment through the selection of the right plant for the right location, thereby reducing the need for greater landscape maintenance and irrigation.

All vegetation to be planted shall meet the standards listed in this section.

1. All new living plant material to be installed shall be nursery grown and root pruned stock, free of insects, disease and defects, and shall satisfy the requirements of this Section and be Florida Grade No. 1 or better as defined in the most current edition of Grades and Standards for Nursery Plants (GSNP), Florida Department of Agriculture and Consumer Services, Florida Division of Plant Industry. All plants installed on the site shall be in accordance with the plans stamped approved by the Town.
2. Nursery stock shall meet minimum requirements of the American Standards for Nursery Stock (ASNS), published by the American Nursery & Landscape Association. Plants shall be nursery grown stock in containers or freshly dug

field grown, balled and burlapped. Field grown trees shall be heeled in or hardened off.

3. Caliper measurement, height measurement, height relation to caliper spread, bare foot and ball dimensions, number of canes, types of vines and groundcovers, etc., shall conform to the applicable standards given in the ASNS.
4. Vines shall be of a size reasonably expected to become a minimum of 30 inches (30") high one year after planting.
5. Plant material shall be planted in soil and climatic conditions that are appropriate for their growth habits. The Town Planning and Zoning Official or his/her designee shall review and approve landscape plans when the required plants used in the landscape design meet the following requirements:
 - a. Are appropriate to the conditions in which they are to be planted, including cold-hardiness and drought-tolerance;
 - b. Have non-invasive growth habits;
 - c. Are suitable for the site with regards to eventual size and spread and given consideration of conflicts which might arise (i.e., views, signage, overhead power lines, underground utilities, lighting, circulation, etc.);
 - d. Encourage low maintenance; and
 - e. Are otherwise consistent with the intent of this section.
6. Plant material required by this section shall be chosen from the recommended plant species listed in § 155.10.8. Plant materials that vary from the lists provided in this section may be used with the approval of the Town Council.

§ 155-10.3.2. Preservation of Existing Trees and Shrubs.

Preservation and protection of existing trees and shrubs exemplary to the naturally occurring habitat on the land shall be strongly encouraged, provided such plants are all healthy species and are not listed as an exotic and/or nuisance plant in the most recent Invasive Plant List of the Florida Exotic Pest Plant Council. In these instances the plant material shall be acceptable to the Town and may be maintained in its natural setting and incorporated into the required landscaping areas to fulfill the intent of this section. Landscape plans shall identify the existing plant materials to be preserved, explain how the preservation of the plant material meets the intent of the landscape requirements, and state how much credit the preserved materials earn toward the Town landscape requirements.

As an incentive to encourage the preservation of as many trees as practical on a development site, credit towards the minimum landscaping requirements may be applied. Credits shall be granted in accordance with the following:

1. Landscape plans shall identify the existing plant materials to be preserved, explain how the preservation of the plant material meets the intent of the landscape requirements, and state how much credit the preserved materials earn toward the Town landscape requirements.
2. Up to a 15 percent reduction in the minimum number of off-street parking spaces required may be credited if the reduction in the amount of required pavement will preserve the root zones of existing healthy specimen trees. The amount of reduction may be determined only after taking into consideration any unique site conditions and the impact of the reduction on parking needs for the use. Any reduction shall be agreed upon by both the applicant and the Town Council.

Areas of existing vegetation to remain on site and as noted on landscape plans shall not be encroached upon or damaged during construction by any or all activities above or below ground. Visible barricades shall be placed around these areas and shall be kept clear of all construction materials, traffic and debris. Areas that have been damaged or removed shall be replanted and refurbished to restore the area as much as possible to its original condition.

The following methods and procedures shall be followed when preserving trees:

1. The use of hand labor may be necessary to clear vegetation within the drip line of those trees to be preserved.
2. The area within the drip line of any tree to be preserved shall remain undisturbed; no materials, machinery, and soil shall be placed within the drip line.
3. Materials, wires, signs or nails shall not be attached to any tree unless such materials are used to preserve the tree.
4. All felled material shall be promptly and carefully removed from the site in order to avoid potential damage to remaining trees and vegetation.
5. Visible barricades shall be erected around those trees to be preserved. These barricades shall be at the drip line of the tree(s) and no closer than ten feet (10') to the trunk of the tree.
6. All trees to be preserved shall have their natural soil level maintained.

7. All efforts shall be made through the grading and drainage plan to maintain the natural drainage to those trees to be preserved.

§ 155-10.3.3. Exotic and Nuisance Plants.

The use of exotic and nuisance plants is prohibited and shall not be accepted as part of an approved landscape plan. For purposes of this Section, exotic and nuisance plants shall be those provided in the most recent Invasive Plant List of the Florida Exotic Pest Plant Council.

§ 155-10.3.4. Minimum Tree Planting Height, Planting Area and Distance from Pavement.

Maximum Tree Size at Maturity	Minimum Planting Height	Planting Area	Minimum Distance from Pavement
(Small) Less than 30 feet tall	6 feet	50-150 square feet	2 feet
(Medium) Less than 50 feet tall	8 feet	150-300 square feet	4 feet
(Large) Taller than 50 feet	10 feet	More than 300 square feet	More than 6 feet

(Source: University of Florida "Planting Area Guidelines," 2011; planting area and distance from pavement; based on minimum 3' soil depth).

All newly planted trees shall be staked and guyed immediately after installation and shall remain supported until the root systems have established themselves to adequately support the tree.

§ 155-10.3.5. Minimum Shrub Planting Requirements.

Shrubs shall be a minimum of one foot (1') tall at the time of planting, except where they are to act as required screening for residential uses and districts, in which case they shall be a minimum of three feet (3') in height at the time of planting and maintained at a minimum height of five feet (5') at maturity. One foot (1') high shrubs shall be spaced no greater than thirty inches (30") on center and three foot (3') high shrubs shall be spaced no greater than thirty-six inches (36") on center. The Town may authorize alternate spacing for species which have especially broad coverage.

§ 155-10.3.6. Ground Covers.

Ground covers shall be spaced no greater than eighteen inches (18') on center and may be planted in lieu of lawn grass. Ground covers shall provide reasonably complete coverage within one (1) year after installation. Stone, gravel or any

artificial cover shall not be utilized for more than 20 percent of the landscaped area. When located in the Wildland Urban Interface (WUI), a higher percentage of stone or gravel may be permitted with the approval of the Town Planning and Zoning Official. A list of recommended ground cover species is provided in Table 155.10.8.G of this Section.

§ 155-10.3.7. Lawn Grass.

Grass may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion (generally slopes steeper than 10:1). Grassed areas that are installed by methods other than sod shall attain a full grassed coverage within three (3) months of the date of installation. A list of lawn grass species and their characteristics, including drought tolerance level, soil type, light requirements, wear tolerance and plant maintenance, are provided in section 155.10.8.H. The selection of lawn grasses shall be based upon the species and characteristics which are most appropriate for the site.

§ 155-10.3.8. Mulch.

Planting beds shall be mulched with standard accepted mulch materials to 1) prevent the invasion of other plant species; 2) to absorb moisture for the benefit of the plants; and 3) to present a neat and orderly appearance of the landscaped area. The mulched bed shall have a uniform coverage and a minimum depth of two inches (2") and maximum depth three inches (3") after watering in. Mulched areas around trees should be at least eight feet (8') in diameter. Mounding or pyramiding of mulch and the use of cypress mulch is discouraged.

§ 155-10.3.9. Planting Beds.

The planting bed for all landscaping materials shall be free of weeds, debris, and nuisance/invasive materials and shall consist of a healthy plant growth medium. The planting bed soil shall provide adequate support, drainage, and nutrients for the plants.

§ 155-10.3.10 Landscaping for Decorative and Masonry Walls.

Residential subdivisions and commercial and industrial developments may have decorative entrance and screening walls. Landscaping shall be installed within the property setback/buffer yard area. If there are no specific buffer yard requirements for the development, one (1) tree shall be planted for each fifty linear feet (50') of wall. Buffer yard trees and shrubs required by this Section shall be planted on the outfacing side of the fence or wall.

§ 155-10.3.11. Tree Requirements for Residential Properties.

Trees for new residential development shall be provided at a rate of two (2) large or medium sized trees per residential lot or one (1) tree per attached unit. Existing trees may be used to satisfy this requirement on individual development parcels provided they are not specifically listed as an invasive species in the most recent Invasive Plant List of the Florida Exotic Pest Plant Council.

§ 155-10.3.12. Encroachments.

A. Structures.

Accessory uses, buildings, and dumpster pads shall not encroach upon or conflict with required landscaped areas.

B. Parking Stalls.

No more than two feet (2') of vehicular overhang shall be allowed into a landscape area and no trees and shrubs shall be planted within the area of encroachment.

§ 155-10.3.13. Safe Sight Distance Triangles.

Landscaping shall not obstruct the view of motorists using any street, driveway, private parking aisle or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety upon any such street, driveway, parking aisle or street intersection. Landscaping shall comply with requirements of Article 9 of Chapter 12 of the Highlands County Land Development Regulations concerning clear visibility triangles.

§ 155-10.4. Canopy Coverage and Tree Species.

Trees providing canopy coverage shall be required for the purpose of shading vehicular use areas, sidewalks and other paved surfaces associated with all development in the Town, thereby lowering the ambient temperature of the air through increased shading; conserving water; enhancing the appearance of properties; improving property values; and protecting the general health, safety and welfare of the public through the improvement of the quality of the human environment. Buildings and structures shall not be counted as impervious surface for the purpose of calculating the areas that must be shaded with canopy trees.

A. Canopy trees shall be selected from the recommended plant species lists in Section 155-10.8.

- B. Palm trees may be used as canopy cover for up to 30 percent of the requirements for canopy trees. Palms used for canopy cover shall have a minimum of ten feet (10') of clear trunk at the time of installation. Palm trees shall be selected from the recommended species list in Table 155-10.8.D.
- C. Canopy coverage trees shall be interspersed throughout all vehicular use areas rather than restricted in any way to only a portion of the site. This allows for flexibility and creative design opportunities.
- D. Trees located in buffer yards may receive partial credit in meeting vehicular use areas interior landscaping canopy requirements.
- E. Planting areas under trees shall be planted with shrubs and/or ground covers which are compatible with site conditions.
- F. Mixed genera of trees. A mix of tree species for canopy cover is strongly encouraged. Where more than 20 canopy trees are required to be planted on a site to meet these regulations, a mix of genera shall be required in accordance with Table 155-10.4. A.

Table 155-10.4.A.
Genera of trees required.

Total Trees Required	Minimum Number of Genera Required	Maximum Percentage of Any Genera
20 trees or less	1	Not Applicable
21 to 50 trees	2	70 percent
51 to 100 trees	3	50 percent
Over 100 Trees	4	40 percent

§ 155-10.4.1. Vehicular Use Areas Interior Landscaping and Canopy Requirements.

The standard for canopy is fifty (50) percent coverage for all vehicular use areas, sidewalks and other paved surfaces associated with all land uses subject to these requirements.

“Vehicular Use Area” is defined as all paved areas, including impervious and hard surface, stabilized permeable pavement, which provide site access, traffic circulation and areas for vehicular parking, loading and unloading.

§ 155-10.4.2. Tree Canopy & Buffer Yard Waivers.

A. The Town Council may grant a waiver or modification for the following:

- 1) Tree canopy requirements for impervious surfaces, which are exclusively used for parking and/or maneuvering of large trucks and/or for storing products or materials.
- 2) Buffer yard requirements.

B. The following shall be provided for any waiver or modification request.

- 1) The applicant shall submit an application, site plan, and application fee to the Planning and Zoning Official, or his or her designee.
- 2) The site plan shall detail the proposed exceptions to the strict application and enforcement of the tree canopy or buffer yard requirements contained in this Section.
- 3) The Planning and Zoning Official, or his or her designee, shall forward the application and site plan to the Town Planning Staff, which shall review the request and provide comments to the applicant.
- 4) Upon Town Planning Staff review, the Town Council may approve the request based on consideration of the following findings:
 - a) The particular characteristics of the use and/or the site, such as its size, configuration, topography or subsurface conditions, are such that strict application of the tree canopy or buffer yard requirements would result in unreasonable hardship to the developer.
 - b) The effect of the waiver or modification does not nullify the purpose and intent of the Town's landscape requirements.
 - c) The approval of the waiver or modification upholds the public interest.
 - d) The approval of the waiver or modification is not contrary to the Town's Comprehensive Plan.

§ 155-10.5. Buffer Yards.

A buffer yard is an area containing plant material, fences, walls and/or berms which provide a visual screen and physical separation between incompatible land uses. Buffer yards are intended as landscaped open space; therefore, they shall be free of pavement

and permanent structures other than fences, walls, berms, unpaved pedestrian paths, and stormwater management and retention facilities. The purpose of this Section is to establish minimum buffer yard widths and landscaping requirements, in order to ensure compatibility between adjacent properties and land uses. The minimum required width of the buffer yard is therefore based on the potential degree of incompatibility between two (2) abutting land uses.

§ 155-10.5.1. Buffer Yards Between Proposed and Abutting Land Uses and Vacant Property.

The Town provides four (4) different category types of buffer yards, identified as types A, B, C and D. Table 155-10.5.A, establishes the type of buffer yard required between proposed and existing land uses. When property adjacent to a proposed development is vacant, the need for a buffer yard is determined by the zoning classification of the vacant site as provided in Table 155-10.5. B.

§ 155-10.5.2. Buffer Yards along Rights-Of-Way.

In addition to the standards set forth in this section regarding landscape requirements between proposed and abutting land uses and vacant property, provisions shall also be made to buffer land uses from adjacent public streets or rights-of-way as follows:

A. Arterial Roadways.

Land uses, excluding agriculture, located along arterial roadways are required to provide a landscape strip at least ten (10) feet wide with a minimum of five (5) trees for each one hundred (100) linear feet of right-of-way frontage, or fraction thereof. In addition, seven (7) shrubs per tree shall be planted within the landscape strip.

B. Collector Roadways.

Land uses, excluding agriculture, located along collector roadways are required to provide a landscape strip at least ten (10) feet wide with a minimum of one (1) tree and seven (7) shrubs for each fifty linear feet (50') of right-of-way frontage, or fraction thereof.

C. Railroad Rights-Of-Way.

Commercial and industrial land uses located along railroad rights-of-way shall not be required to provide buffering between the use and the right-of-way. New residential developments, excluding individual single-family home sites, individual duplex units and individual infill lot development shall meet the requirements of a "D" buffer yard as specified under Section 155-10.5.4 of

this section.

D. Setbacks for Vision Clearance.

Buffer yards shall comply with standards for *Clear Visibility Triangle*.

§ 155-10.5.4. Buffer Yards for Free Standing or Satellite Parking Lots.

Buffer yards for free standing or satellite parking lots shall meet the following requirements:

A. *Residential Zoning Districts*: Standing or satellite parking lots located in residential zoning districts, which serve adjacent zoned businesses, shall meet the following requirements.

1. Where the parking lot is contiguous to side lot lines of residentially zoned property, a side yard at least ten (10) feet in width shall be provided.
2. The parking area shall be provided with a continuous, un-pierced masonry wall six (6) feet in height adjacent to all required yards. All such walls shall be smoothly finished and shall not be used for any sign.
3. All yard spaces between the required wall and lot lines shall be landscaped with at least one hedgerow of shrubs, not less than five feet (5') in height, placed next to the walls. The remainder of such yard space shall be covered by lawn grass or other approved ground covers as provided in Tables 155-10.8.G. and 155-10.8.H. All such landscaping shall be maintained in a healthy, growing condition, neat and orderly in appearance. Yard spaces shall be kept free of refuse or debris.
4. Where the parking lot is separated from residentially zoned property by a street, a buffer yard at least ten feet (10') in width shall be provided along the street frontage.
5. Where the parking is located upon a street upon which residentially zoned properties front and abut in the same block, a front yard shall be provided at least 25 feet in depth. Where one or both of the lots contiguous to and on each side of the parking lot are developed with residential structures having front yards greater than 25 feet in depth, the front yard on the parking lot shall be not less in depth than the deeper of these existing front yards.

B. All Other Zoning Districts: With the exception of letter A above, standing or satellite parking lots located in all other zoning districts shall be designed in accordance with the following requirements.

1. The parking area shall be provided with a buffer yard at least ten (10) feet in width along all property lines and streets on which the off-street parking area is located.
2. See Section 155-10.5.2, Buffer Yards Along Rights-Of-Way, for landscape buffer requirements adjacent to public rights-of-way.
3. A waiver of buffer yard requirements may be granted by the Town Council along property lines where adjoining businesses propose to share a common parking lot. A site plan is required for review and approval.

C. Site Plan Review: The Town Council may consider specific site plan requests under this Section. The Council may accept or reject the original request, or it may impose conditions or safeguards on the request which it finds necessary to uphold the public purpose and the intent of the Town Code.

Table 155-10.5.A.

Buffer Yard Requirements between Proposed and Abutting Land Uses

<u>PROPOSED LAND USE</u>	<u>ABUTTING LAND USE</u>									
	<u>Single family detached dwellings</u>	<u>Duplex; multi-family up to 4 units per acre; outdoor recreation facilities; cemeteries</u>	<u>Professional office with up to 8 parking spaces; child care centers in converted residential structures</u>	<u>Duplex, single family attached, mobile home parks and multi-family at 4-8 units per acre</u>	<u>Single family attached, multi-family at 8+ units per acre; Utility substations, switching stations, etc.</u>	<u>Mobile Homes</u>	<u>Professional office with 9+ parking spaces; Churches; Schools; Government facilities; Commercial & business development sites with up to 10 parking spaces</u>	<u>Other commercial & business, wholesale, service businesses; Self-storage; Automobile service stations; Shopping centers; Hotels, motels; Hospitals</u>	<u>Light Industry; PWS; Governmental public works storage/ equipment facilities</u>	<u>Heavy industry; Water and wastewater treatment facilities</u>
<u>Single family detached dwellings</u>	<u>N</u>	<u>A</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>D</u>	<u>D</u>
<u>Duplex; multi-family up to 4 units per acre; outdoor recreation facilities; cemeteries</u>	<u>A</u>	<u>N</u>	<u>A</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>D</u>	<u>D</u>
<u>Professional office with up to 8 parking spaces; child care centers in converted residential structures</u>	<u>B</u>	<u>A</u>	<u>N</u>	<u>A</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>D</u>
<u>Duplex, mobile home parks & multi-family at 4-8 units per acre</u>	<u>B</u>	<u>B</u>	<u>A</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>D</u>

	<u>Single family detached dwellings</u>	<u>Duplex; multi-family up to 4 units per acre; outdoor recreation facilities; cemeteries</u>	<u>Professional office with up to 8 parking spaces; child care centers in converted residential structures</u>	<u>Duplex, single family attached, mobile home parks and multi-family at 4-8 units per acre</u>	<u>Single family attached, multi-family at 8+ units per acre; Utility substations, switching stations, etc.</u>	<u>Mobile Homes</u>	<u>Professional office with 9+ parking spaces; Churches; Schools; Government facilities; Commercial & business development sites with up to 10 parking spaces</u>	<u>Other commercial & business, wholesale, service businesses; Self-storage; Automobile service stations; Shopping centers; Hotels, motels; Hospitals</u>	<u>Light Industry; PWS; Governmental public works storage/ equipment facilities</u>	<u>Heavy industry; Water and wastewater treatment facilities</u>
<u>Multi-family at 8+ units per acre up to & including 12 units per acre; Utility substations, switching stations, etc.</u>	<u>C</u>	<u>B</u>	<u>B</u>	<u>A</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
<u>Mobile home parks</u>	<u>C</u>	<u>B</u>	<u>B</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
<u>Professional office with 9+ parking spaces; Churches; Schools; Government facilities; Commercial & business development sites with up to 10 parking spaces</u>	<u>C</u>	<u>C</u>	<u>B</u>	<u>B</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>A</u>	<u>C</u>	<u>C</u>

	<u>Single family detached dwellings</u>	<u>Duplex; multi-family up to 4 units per acre; outdoor recreation facilities; cemeteries</u>	<u>Professional office with up to 8 parking spaces; child care centers in converted residential structures</u>	<u>Duplex, single family attached, mobile home parks and multi-family at 4-8 units per acre</u>	<u>Single family attached, multi-family at 8+ units per acre; Utility substations, switching stations, etc.</u>	<u>Mobile Homes</u>	<u>Professional office with 9+ parking spaces; Churches; Schools; Government facilities; Commercial & business development sites with up to 10 parking spaces</u>	<u>Other commercial & business, wholesale, service businesses; Self-storage; Automobile service stations; Shopping centers; Hotels, motels; Hospitals</u>	<u>Light Industry; PWS; Governmental public works storage/ equipment facilities</u>	<u>Heavy industry; Water and wastewater treatment facilities</u>
<u>Other commercial & business, wholesale, service businesses; Self-storage; Automobile service stations; Shopping centers; Hotels, motels; Hospitals</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>B</u>	<u>B</u>	<u>A</u>	<u>N</u>	<u>B</u>	<u>C</u>
<u>Light Industry; PWS; Governmental public works storage/equipment facilities</u>	<u>D</u>	<u>D</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>B</u>	<u>N</u>	<u>B</u>
<u>Heavy industry; Water & wastewater treatment facilities</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>C</u>	<u>C</u>	<u>B</u>	<u>N</u>

N = No Buffer Yard Required. A through D = Type of Buffer Yard Required (See §155-10.5.5 for Illustrated Examples Buffer Yard Designs).

Table 155-10.5.B.

Buffer Yard Requirements between Proposed Land Use and Vacant Property

<u>PROPOSED LAND USE</u>	<u>ADJACENT VACANT LAND</u> <u>(By Zoning District)</u>								
	<u>A-1</u>	<u>R-1A</u>	<u>R-1</u>	<u>R-2A</u>	<u>R-2</u>	<u>C-1</u>	<u>C-2</u>	<u>C-2A</u>	<u>C-3</u>
<u>Agriculture</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>B</u>
<u>Single family detached dwellings</u>	<u>A</u>	<u>N</u>	<u>N</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>B</u>	<u>D</u>
<u>Duplex; Multi-family up to 4 units per acre; Outdoor recreation facilities; Cemeteries</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>C</u>	<u>C</u>	<u>B</u>	<u>D</u>
<u>Professional office with up to 8 parking spaces; Child care centers in converted residential structures</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>
<u>Duplex; multi-family at 4-8 units per acre</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>C</u>	<u>B</u>	<u>B</u>	<u>D</u>
<u>Multi-family at 8+ units per acre; Utility substations, switching stations, etc.</u>	<u>A</u>	<u>B</u>	<u>B</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>B</u>	<u>B</u>	<u>D</u>
<u>Mobile home park</u>	<u>A</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>B</u>	<u>B</u>	<u>D</u>
<u>Professional office with 9+ parking spaces; Churches; Schools; Government facilities; Commercial & business development sites with up to 10 parking spaces</u>	<u>A</u>	<u>C</u>	<u>C</u>	<u>A</u>	<u>A</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>
<u>Other commercial & business, wholesale, service businesses; Self-storage; Automobile service stations; Shopping centers; Hotels, motels; Hospitals</u>	<u>A</u>	<u>C</u>	<u>C</u>	<u>A</u>	<u>A</u>	<u>N</u>	<u>A</u>	<u>A</u>	<u>C</u>
<u>Light Industry; PWS; Governmental public works storage/equipment facilities</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>N</u>
<u>Heavy industry; Water and wastewater treatment facilities</u>	<u>C</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>C</u>	<u>D</u>	<u>D</u>	<u>N</u>

§ 155-10.5.5. Buffer Yard Diagrams.

Upon determining the type of buffer yard required for a property (type A, B, C, or D), the yard width and number of plantings shall be calculated. Three options are offered within each buffer yard type, allowing a buffer yard which best fits the constraints and features of the site. Any of the options within a particular buffer yard type will fulfill the buffer yard requirement. For example, if a Buffer Yard A is required, there are three options to choose from; a ten(10) foot wide buffer, a fifteen (15) foot wide buffer or a twenty (20) foot wide buffer. The number of trees and shrubs to be planted within the buffer yard area is dependent upon the buffer yard width chosen; a wider buffer yard requires less plant material.

The diagrams specify the number of each type of plant required per 100 linear feet, excluding any driveway access. The plant material does not need to be equally spaced and may be placed in any configuration, or grouped to best display the plant material within the required buffer yard area. When natural plant material is present, it may be counted towards the total buffer yard requirement for trees and shrubs provided the existing material is generally consistent with the intent of this section.

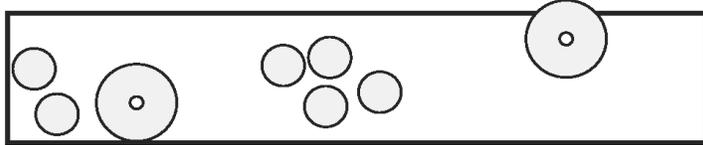
Buffer Yard

Plant Material / 100 Linear Feet

A

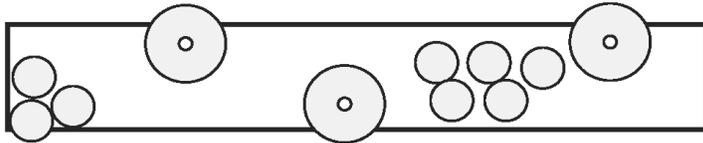
Width 20'

2 Trees
6 Shrubs



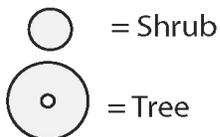
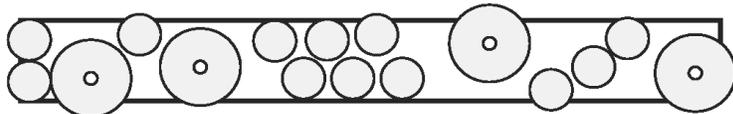
Width 15'

3 Trees
8 Shrubs



Width 10'

4 Trees
12 Shrubs



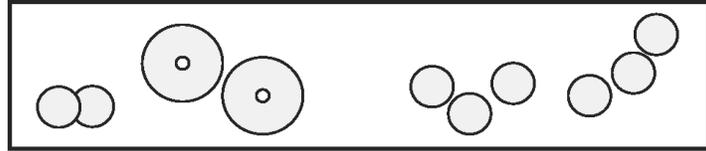
Buffer Yard

Plant Material / 100 Linear Feet

B

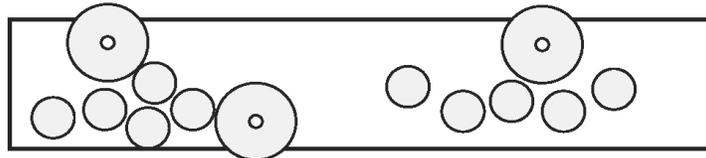
Width 25'

2 Trees
8 Shrubs



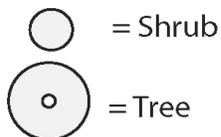
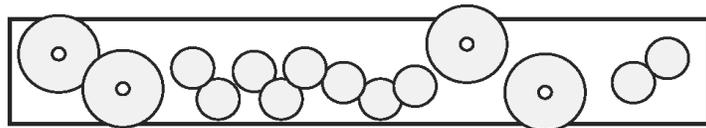
Width 20'

3 Trees
10 Shrubs



Width 15'

4 Trees
10 Shrubs



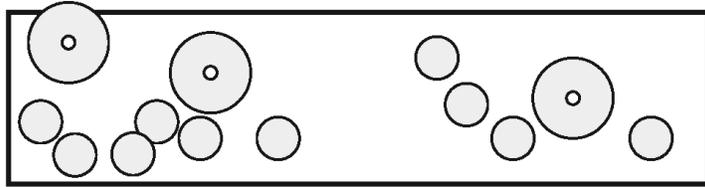
Buffer Yard

Plant Material / 100 Linear Feet

C

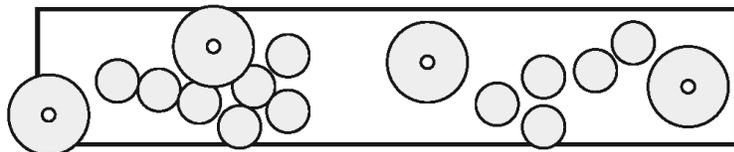
Width 30'

3 Trees
10 Shrubs



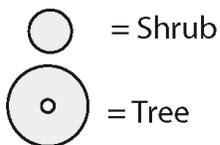
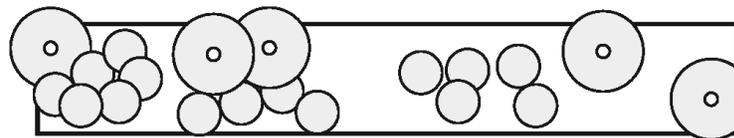
Width 20'

4 Trees
12 Shrubs



Width 15'

5 Trees
15 Shrubs



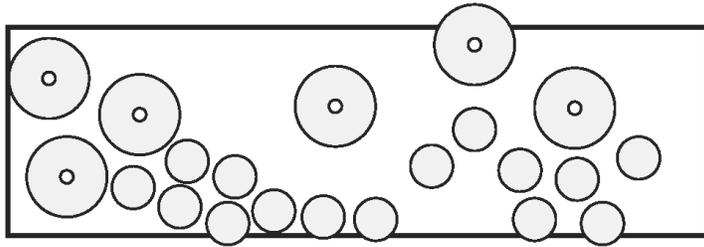
Buffer Yard

Plant Material / 100 Linear Feet

D

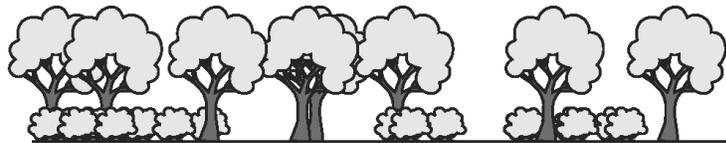
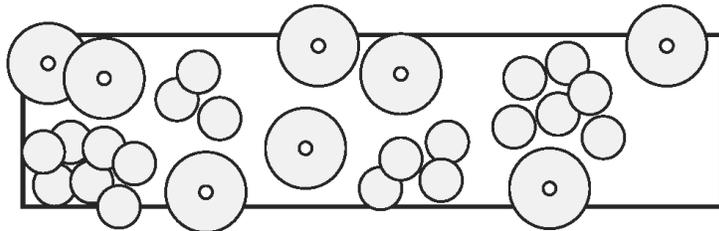
Width 40'

6 Trees
15 Shrubs



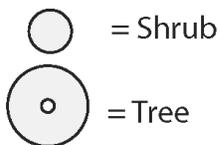
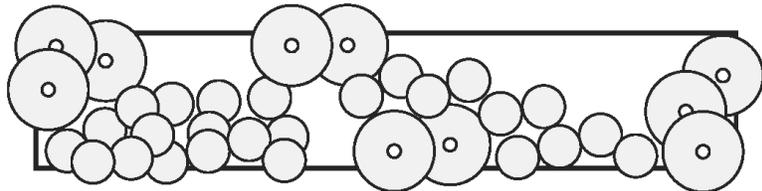
Width 30'

8 Trees
20 Shrubs



Width 20'

10 Trees
25 Shrubs



§ 155-10.5.6. Buffer Yards, Utilities and Utility Easements.

Utility easements in a buffer yard do not prohibit the planting of shrubs in the area of the easement of an underground utility, but no tree shall be planted within twelve (12) feet of a buried utility. Tree planting restrictions in relation to overhead power lines are identified in Tables 155-10.8.A, through 155-10.8.D. of this Section. Large and medium sized trees should not be planted closer than fifteen (15) feet to any light pole.

§ 155-10.6. Installation, Irrigation, Inspection, Certificate of Occupancy/Completion and Maintenance.

All plants shall be "Florida Grade No. 1" or better, shall be healthy and free of diseases and pests, and shall be of nursery stock in two (2) gallon containers or field trees of comparable size. Field grown trees shall be balled and burlapped and heeled in or hardened off.

A. Installation.

1. All canopy and buffer yard trees shall be provided a minimum of 420 cubic feet of rootzone volume. Where existing conditions preclude the provision of the minimum rootzone volume, the Town Council may approve a lesser volume that meets the arboriculture needs of the tree within the existing conditions.
2. The developer shall provide an appropriate planting soil medium for required plants and shall irrigate plant materials to sustain healthy growth of all plants to maturity.
3. Areas on any development site not used for buildings, including single family and duplex development on individual lots, paved surfaces, or other landscape improvements shall be sodded or seeded prior to the issuance of a Certificate of Occupancy/Completion.
4. Areas within public rights-of-way, and areas off-site which have been disturbed by construction activity, shall be cleaned of all debris, re-graded to the proper elevations, and sodded so as to restore the area to a stabilized and planted state.
5. Utility and Landscaping Compatibility.
 - a. General. Lighting fixtures; transformer boxes; fire hydrants; power, cable television or telephone lines; sewer or water pipes; or any other existing or proposed utility facilities and associated appurtenances, shall be located and designed to provide adequate service in the presence of landscape materials

when such landscape reaches maturity. Reasonable efforts shall be made to install utility service without impacting existing trees. Lighting fixtures shall be located a minimum of ten feet from all required shade trees. No shade tree that exceeds 40 feet in height at maturity shall be placed within 15 feet of any overhead utility. Fire hydrant connections and building fire connections shall not be obstructed by plant material. Shrubs and ground covers 12 inches or less in height, provided in Tables 155.10.8.E – G, may be planted to soften the visual impact of these facilities, provided that the necessary access to such facilities is maintained.

- b. Underground utility lines shall not be located within the rootzone volume of an existing or proposed tree, except for those lines that are four-inch diameter or less, and then only where the utility separation requirements in subsection (c) below are met.
- c. *Minimum utility separation requirement.* A minimum of seven and one-half feet (7.5') is required between new trees and existing or proposed water lines, wastewater force main, reclaimed water, gas, electric and telecommunications main and service utility lines, to protect against root incursion. A minimum separation requirement of ten feet (10') is required between new trees and existing or proposed wastewater gravity collection mains and laterals. Reduced separation distances to three and one-half feet (3.5') may be allowed at the discretion of the utility company. In these instances the utility company may require one of the following measures to protect the utility lines, in accordance with the standards established by the utility company:
 - i. Compaction of the soil immediately adjacent to the underground lines to 98 percent proctor density from the utility line to within 12 inches of ground surface;
 - ii. Encasing the utility line with excavatable flowable fill. Steel casing, or other acceptable methods;
 - iii. Wrapping the utility line with an herbicide-impregnated geo-textile bio-barrier cloth;
 - iv. Protecting the utility line with structural barriers of cast-in-place or pre-cast concrete panels, steel or high-density plastic sheet-pile barriers; or
 - v. Steel casing, installed in accordance with standards established by the utility company.

B. Irrigation of Cultivated Landscapes

1. No irrigation system shall be required where existing natural plant communities are maintained.
2. All new cultivated landscaped areas shall be provided with an automatic water efficient conservation irrigation system, consistent with the needs of the plants contained therein and designed and installed to meet the requirements of Section 155-10.6.(C).
3. The irrigation system shall be operational prior to the issuance of any Certificate of Occupancy/Completion for the property.

C. Irrigation System Requirements

1. An irrigation system shall be designed to provide full coverage of all landscape areas without over spraying onto impervious surfaces including pavement, vehicular or pedestrian areas, and/or adjacent properties.
2. Sprinkler heads irrigating lawns or other high water demand areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery, groundcover, flowers, or other reduced water requirement areas. Head placement shall provide 100 percent head-to-head coverage. Automatically controlled irrigation systems shall be operated by an irrigation controller that is capable of watering high water requirement areas at different frequencies and durations than low water requirement areas. Landscaping shall be watered on an “as needed” basis only, or as allowed by the rules of the appropriate water management district.
3. Irrigation systems shall be designed for the zoning of high and low water demand areas and based on head type. These requirements may be adjusted for retention areas. The irrigation systems shall be designed and installed in accordance with the Florida Irrigation Society, Standards and Specifications for Turf and Landscape Irrigation Systems, as amended from time to time. Irrigation systems utilizing well water should be designed and maintained in a manner which eliminates staining of buildings, walks, walls, and other site improvements. All systems shall be designed to eliminate the application of water to impervious areas.
4. Irrigation pipes shall be Schedule 40 or Class 315 solvent weld-type PVC pipe for mains or piping under roadways. Class 125 pipe is not permitted for mains or under roadways. IPS Flexible PVC Pipe may be substituted for rigid PVC pipe below grade in lateral lines only to avoid underground obstructions encountered during trenching or tunneling. Above grade pipes shall be a minimum of Schedule 40. Pipe laid in the same trench must be laid side-by-side and not

overlapped. Three (3) inch vertical and horizontal clearance between irrigation lines and six (6) inch clearance between lines of other work shall be provided. Parallel lines shall not be installed directly over any other line. PVC fittings must be of the same chemical compound as pipe on which they are installed. PVC cement must be of an appropriate chemical compound for the pipe on which it is used.

5. Reclaimed or other non-potable water source shall be used for irrigation if available. If the water supply for the irrigation system is from a well, a constant pressure flow control device or pressure tank with adequate capacity shall be required to minimize pump cycling.
6. A rain sensor or other approved device, such as a soil moisture sensor, shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient rainfall. Said equipment shall consist of an automatic sensing device or switch, which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred. To avoid false readings, the device must be placed where it is exposed to unobstructed natural rainfall and shall not be installed over or within five (5) feet of the edge of either an air conditioner compressor or pool heater unit.
7. Installers of irrigation systems shall provide property owners and users with the following post-construction documentation, including but not limited to: as-built drawings, recommended maintenance activities and schedules, operational schedule, design precipitation rates, instructions on adjusting the system to apply less water after the landscape is established, maintenance schedule, water source, water shut-off method, warranty information and the manufacturer's operational guide.

D. Inspection and Certificate of Occupancy/Completion.

The Planning and Zoning Official or his/her designee shall inspect the landscaping installation to ensure that it is in conformance with the requirements set forth in this Section and with the approved landscape plan.

E. Maintenance.

Landscape areas shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

§ 155-10.7. Violations and Penalties.

- A. All plant material which dies shall be replaced with plant material of required variety and size within 30 days from the date of official notification.

- B. Consistent with letter A above, if a restoration plan is presented and differs from the original approved plan, three (3) copies of such restoration plan shall be submitted and approved by the Planning and Zoning Official, or his or her designee. The Planning and Zoning Official, or his or her designee, shall re-inspect the property for compliance after the restoration is complete.
- C. Each failure to comply with any of the provisions of this Section shall constitute an individual violation. Failure to maintain viable landscaping consistent with the approved landscape plan shall constitute a violation subject to penalties and shall be subject to code enforcement action by the Town.

§ 155-10.8. Recommended Plant Species List.

Plants species identified in this Section include Florida Friendly native and non-native plants. The recommended species lists have been developed using the Florida Friendly Landscaping Guide to Plant Selection and Landscape Design published by the University of Florida/Institute of Food and Agricultural Sciences (UF/IFAS), Florida Friendly Landscaping Program. The species identified in these lists have been carefully selected, based on cold hardiness zone tolerance and those species conducive to the naturally occurring habitats found in the Greater Lake Placid region. “Right Plant, Right Place” should govern the selection of plant species for a given site, bearing in mind soil, light, water, proximity to power lines (see **Figure 155-10.8.A**), and other site specific conditions.

Any new plant material, which will serve to meet the Town’s minimum landscape requirements, shall be selected from the following plant species tables. The Town Council may approve an applicant’s request to use a plant species not included in the following tables if a landscape architect certifies that the proposed species meets the intent of Chapter 12 of the Highlands County Code of Ordinances and provides the relevant information as included in the tables for said species.

In calculating canopy requirements, each existing tree to be preserved, and each new tree to be planted shall be credited with its mature canopy, as provided in this Section. If an on-site preserved tree is not listed as an invasive plant in the most recent Invasive Plant List of the Florida Exotic Pest Plant Council, and its actual canopy exceeds the canopy area identified in this Section, the greater canopy area may be used in calculating canopy coverage.

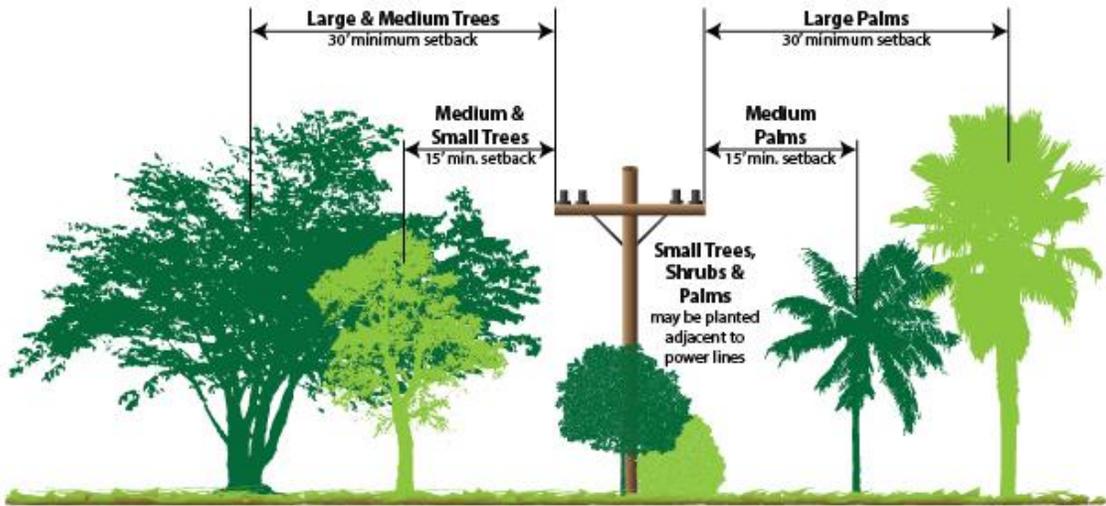


Figure 155-10.8.A Planting Distance from Power Lines

Table 155-10.8. A
Large Trees

Species	Common Name	Type	Soil	Light	Drought Tolerance	Mature Height (feet)	Mature Crown Spread (feet)	Mature Canopy Area (sq. ft.)	P/L* (feet)
<i>Acer rubrum</i>	Red Maple	D	A	F, P	Medium	35-50'	25'	491	15-30'
<i>Carya spp.</i>	Hickory, Pecan	D	WD-M	F, P, S	High	50-100'	30'	707	30'+
<i>Gordonia lasianthus</i>	Loblolly Bay	E	WD-M	P, F	Low	30-40'	16'	201	15-30'
<i>Magnolia virginiana</i>	Sweet Bay Magnolia	E	M-W	P, F	None	30-60'	16'	201	15-30'
<i>Pinus elliottii densa</i>	Southern Slash Pine	E	WD-M	F, P	High	75-100'	25'	491	15-30'
<i>Quercus falcata</i>	Turkey Oak	D	WD	F	High	40-50'	25'	431	30'+
<i>Quercus virginiana</i>	Live Oak	E	M-W	F, P	High	50-60'	50'	1964	30'+
<i>Taxodium distichum</i>	Bald Cypress	D	A	F, P	High	60-100'	20'	314	15-30'

Key

Type: D = Deciduous, E = Evergreen

Soil Type: WD = Well Drained, M = Medium Drained W = Wet, A = All Types

Light: S = Shade, P = Partial Shade, F = Full Sun

P/L: Distance from Power Lines (*see Figure 155-10.8.A)

Table 155-10.8. B
Medium Trees

Species	Common Name	Type	Soil	Light	Drought Tolerance	Mature Height (feet)	Mature Crown Spread (feet)	Mature Canopy Area (sq. ft.)	P/L* (feet)
<i>Ilex cassine</i>	Dahoon Holly	E	M-W	F, P, S	Medium	25-30'	16'	201	15-30'
<i>Juniperus silicicola</i>	Southern Red Cedar	E	WD	F, P	High	25-30'	12'	113	15-30'
<i>Lagerstroemia indica</i>	Crape Myrtle	D	WD-M	F	High	15-25'	12'	113	12-30'

Key

Type: D = Deciduous, E = Evergreen

Soil Type: WD = Well Drained, M = Medium Drained W = Wet, A = All Types

Light: S = Shade, P = Partial Shade, F = Full Sun

P/L: Distance from Power Lines (*see **Figure 155-10.8.A**)

Table 155-10.8. C
Small Trees

Species	Common Name	Type	Soil	Light	Drought Tolerance	Mature Height (feet)	Mature Crown Spread (feet)	Mature Canopy Area (sq. ft.)	P/L* (feet)
<i>Chionanthus virginicus</i>	Fringetree	D	WD-M	P, F, S	Medium	15-25'	10'	79	15-30'
<i>Ilex vomitoria</i>	Yaupon Holly	E	A	P, F	High	15-25'	8'	50	15-30'
<i>Myrcianthes fragrans</i>	Simpson's Stopper, Twinberry	E	A	P, F, S	High	6-30'	20'	250	15-30'
<i>Quercus geminata</i>	Sand Live Oak	E	WD	F	High	15-30'	12'	113	15-30'
<i>Quercus incana</i>	Blue Jack Oak	D	WD	F	High	15-30'	20'	--	15-30'
<i>Quercus inopina</i>	Florida Scrub Oak, Sandhill Oak	D	WD	F	High	3-10'	--	--	0

Key

Type: D = Deciduous, E = Evergreen

Soil Type: WD = Well Drained, M = Medium Drained W = Wet, A = All Types

Light: S = Shade, P = Partial Shade, F = Full Sun

P/L: Distance from Power Lines (*see **Figure 155-10.8.A**)

Table 155-10.8. D.
Palms Trees and Palm-Like Plants

<i>Species</i>	Common Name	Soil	Light	Drought Tolerance	Height (feet)	Mature Crown Spread (feet)	Mature Canopy Area (sq. ft.)	P/L* (feet)
<i>Acoelorrhaphe wrightii</i>	Paurotis Palm, Saw Cabbage Palm	WD-M	F, P	M	15-30'	10-15'	150	15-30'
<i>Bismarckia nobilis</i>	Bismarck Palm	WD	F, P, S	H	40-70'	15-20'	200	30'
<i>Butia capitata</i>	Pindo Palm, Jelly Palm	WD	F, P	H	15-25'	10-15'	150	15-30'
<i>Phoenix spp.</i>	Date Palms	WD-M	F, P	H	6-80'	6-25'	150	30'
<i>Rhapidophyllum hystrix</i>	Needle Palm, Porcupine Palm	WD-M	P, S	M-H	2-6'	2'-6'	0	0
<i>Sabal palmetto</i>	Cabbage Palm, Sabal Palm, Cabbage Palmetto	A	F, P	H	25-60'	10-15'	150	30'
<i>Serenoa repens</i>	Saw Palmetto	WD	F, P, S	H	3-10'	4-10'	0	0
<i>Wodyetia bifurcata</i>	Foxtail Palm	WD	F, P	H-M	6-30'	15-20'	200	15-30'
<i>Zamia floridana</i>	Coontie, Florida Arrowroot, Florida Zamia	WD	F, P, S	H	1-5'	3-5'	0	0

Key

Soil Type: WD = Well Drained, M = Medium Drained W = Wet, A = All Types

Light: S = Shade, P = Partial Shade, F = Full Sun

Drought Tolerance: H = High, M = Medium, L = Low, N = None

P/L: Distance from Power Lines (*see **Figure 155-10.8.A**)

Table 155-10.8. E

Large Shrubs

<i>Species</i>	Common Name	Soil	Light	Drought Tolerance	Height (feet)	Spread (feet)
<i>Codiaeum variegatum</i>	Croton	WD	P	L	3-8'	3-6'
<i>Callicarpa americana</i>	Beautyberry	WD	P, S	H	6-8'	6-8'
<i>Galphimia glauca</i>	Thryallis	WD	F	M	5-9'	4-6'
<i>Gardenia jasminoides</i>	Gardenia	WD	S, P	M	4-8'	4-8'
<i>Illicium spp.</i>	Star Anise	WD	P, F	M	10-15'	6-15'
<i>Podocarpus macrophyllus</i>	Podocarpus	WD	F, P	H	30-40'	20-25'
<i>Viburnum obovatum</i>	Walter's Viburnum	WD	P, F, S	H	8-25'	6-10'

Key

Soil Type: WD = Well Drained, M = Medium Drained W = Wet, A = All Types

Light: S = Shade, P = Partial Shade, F = Full Sun

Drought Tolerance: H = High, M = Medium, L = Low, N = None

Table 155-10.8. F.

Small Shrubs

<i>Species</i>	Common Name	Soil	Light	Drought Tolerance	Height (feet)	Spread (feet)
<i>Agapanthus africanus</i>	Lily of the Nile, African Lily	WD	F, P	M	2'	2'
<i>Dietes iridoides</i>	African Iris, Butterfly Iris	A	F, P	M	2-6'	1-2'
<i>Gamolepis spp.</i>	Bush Daisy	WD	F	M	2-4'	3-4'
<i>Garberia heterophylla</i>	Garberia	WD	F	H	4-8'	6-8'
<i>Ixora coccinea</i>	Ixora	WD	F	M	10-15'	4-10'
<i>Lantana depressa</i>	Weeping Lantana	WD	F	M	3-6'	3-6'
<i>Lyonia lucida</i>	Fetterbush	WD-M	F, P	H	3-15'	2-5'
<i>Raphiolepis spp. And cvs.</i>	Indian Hawthorn	WD-M	F, P	H	2-10'	2-6'

Key

Rec: R = Town Recommended Species

Soil Type: WD = Well Drained, M = Medium Drained W = Wet, A = All Types

Light: S = Shade, P = Partial Shade, F = Full Sun

Drought Tolerance: H = High, M = Medium, L = Low, N = None

Table 155-10.8. G
Ground Covers

<i>Species</i>	Common Name	Soil	Light	Drought Tolerance	Height (feet)	Spread (feet)
<i>Arachis glabrata</i>	Perennial Peanut	WD	F	H	½-1'	1-8'
<i>Juniperus conferta and cvs.</i>	Shore Juniper	WD	F	H	1-2'	6-10'
<i>Lantana montevidensis</i>	Trailing Lantana	WD	F	M	1-3'	4-8'
<i>Liriope muscari and cvs.</i>	Liriope, Monkey Grass, Border Grass	WD	F, P, S	M	1-2'	1-2'
<i>Licani michauxii</i>	Gopher Apple	WD	F	H	½-1'	Varies
<i>Muhlenbergia capillaris</i>	Muhly Grass	A	F	H	2-5'	2-3'
<i>Pennesetum setacum 'Rubrum'</i>	Red Fountain Grass	WD	F, P	H	3-4'	3-4'
<i>Spartina spp.</i>	Cordgrass	A	F	H	3-4'	3-5'

Key

Rec: R = Town Recommended Species

Soil Type: WD = Well Drained, M = Medium Drained W = Wet, A = All Types

Light: S = Shade, P = Partial Shade, F = Full Sun

Drought Tolerance: H = High, M = Medium, L = Low, N = None

**Table 155-10.8. H.
Lawn Grass Species**

Characteristics	Lawn Grasses					
	Bahia	Bermuda	Carpetgrass	Seashore Paspalum	St. Augustine	Zoysia
Area Adapted To	Statewide	Statewide	Wet Areas	Statewide	Statewide	Statewide
Soil	Acid, Sandy	Whole Range	Acid, Wet	Wide Range	Wide Range	Wide Range
Leaf Texture	Coarse-Medium	Fine-Medium	Medium	Fine-Medium	Coarse-Medium	Fine-Medium
Drought Tolerance	Excellent	Good	Poor	Good	Fair	Medium
Shade Tolerance	Poor	Poor	Fair	Poor	Good	Good
Wear Tolerance	Poor	Good-Excellent	Poor	Good-Excellent	Poor	Good-Excellent
Nematode Tolerance	Very Good	Poor	Poor	Good	Good	Poor
Maintenance Levels	Low	Medium-High	Low	Medium	Medium	High
Uses	Lawns, roadsides	Athletic Fields, golf courses	Wet Areas	Lawns, athletic fields, golf courses	Lawns	Lawns
Establishment Methods	Seed, Sod	Sod, sprigs, plugs, some seed	Seed, sprigs	Sod, plugs, sprigs	Sod, plugs, sprigs	Sod, plugs, sprigs

Source: "Selecting a Turf Grass for Florida Lawns," University of Florida IFAS Extension (ENH04, 2007).

SECTION 4. § 155-11. - INCORPORATED TOWN LAND DEVELOPMENT REGULATIONS.

These regulations shall be known as and may be cited as the Bullard Regulations in recognition of Robert "BOB" Bullard's service as a member of the Lake Placid Town Council from December 1996 to November 1998 and his service as Highlands County Commissioner from 1998 to 2006, and as Chairman of the Highlands County Commission November 2001 to October 2002 and November 2005 to October 2006. Bob Bullard gave ten (10) years of his time and talent for the greater good of Lake Placid and Highlands County. Our community benefited from his work and leadership.

SECTION 5. § 155-12. - LEGISLATIVE PROVISIONS, AUTHORITY, PURPOSE AND INTENT.

(a) *Intent.* The Lake Placid Town Council deems it necessary to promote, protect and improve the public health, safety, comfort, good order, appearance, convenience, morals and the general welfare of the Town of Lake Placid to ordain these land development regulations. Specifically, the town council intends to adopt the portions of Highlands County's Land Development Regulations which the Lake Placid Town Council deems appropriate for the development of the Town of Lake Placid, Florida.

(b) *Findings.* The Lake Placid Town Council makes the following findings:

(1) The Board of County Commissioners of Highlands County, Florida adopted a fair and thorough land development code known as the "Highlands County Land Development Regulations" (herein referred to as the "county regulations" or the "county LDR") found in section 12, articles 1—19 with tables, diagrams and figures all in the Highlands County Code.

(2) The Constitution of the State of Florida, Article VIII, Section 1(f) provides that a county ordinance "... in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict." The Town of Lake Placid hereby declares that the herein adopted Highlands County Ordinances are not in conflict with any ordinance of the Town of Lake Placid, except as hereinafter specifically set out.

(3) The Town of Lake Placid adoptS MANY OF THE COUNTY REGULATIONS FOR MANY OF THE REASONS SET OUT IN SECTION 12.01.102 of the Highlands County Code.

(4) The Town of Lake Placid has entered several interlocal agreements with Highlands County under which Highlands County provides planning and permitting services for the Town of Lake Placid and its citizens and residents. The staff of the Town of Lake Placid will be able to better serve the public if they are not applying two (2) different codes.

(5) The public will be better served by uniform regulations through the town and surrounding county.

(c) *Substitution of terms, powers and authority.* Application of the county regulations requires the substitution of terms, powers and authority in several places. For example, "county commission", "Highlands County Commission", "BCC", and "board of county commissioners" all mean the same. In the place of each shall be substituted the Lake Placid Town Council. Accordingly, the following substitutions are made in the below adopted county regulations when applied within the Town of Lake Placid, unless the context clearly requires otherwise. In all cases, the abbreviations or other words referring to the substituted terms are likewise substituted.

(1) Lake Placid Town Council is substituted in the place of the board of county commissioners, BCC and for any other term representing the Highlands County Board of County Commissioners.

(2) Town engineer is substituted in place of county engineer. The town engineer or engineers shall be designated from time to time by resolution of the Lake Placid Town Council.

(3) Town planning and zoning official is substituted in place of the following county officers:

- a. Building official;
- b. Development services director; and
- c. Zoning Official.

(4) Town attorney is substituted in place of the county attorney.

(5) Board of adjustment (the town's board of adjustment) is substituted in place of the county's board of adjustment.

(6) Town of Lake Placid is substituted for Highlands County and is also substituted for the unincorporated parts of Highlands County. (The word "town" is substituted for county.)

(7) Local planning agency ~~or (abbreviated as the "LPA")~~ is substituted for the Highlands County Planning and Zoning Commission.

(8) Powers and duties delegated to specific county officers and employees not herein specifically re-delegated to town officers and employees are hereby delegated to the Mayor of Lake Placid, or the mayor's designee. Provided however, that the Lake Placid Town Council may by resolution override the mayor's delegation by delegating those powers and duties as the town council deems appropriate. Where in conflict, the town council resolution delegating powers shall control.

(d) *Provisions of chapter declared to be the minimum requirements.* In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals and general welfare of the town. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, resolutions, deed restrictions or covenants, the more restrictive or that imposing the higher standards shall govern.

(e) Rules of Interpretation.

(1) General. In the interpretation and application of these regulations all provisions shall be liberally construed in favor of the objectives and purposes of the town and deemed neither to limit nor repeal any other powers granted under

state statutes. Other rules for interpretation are pursuant to chapter 12, article 2 of the Highlands County Code and other applicable sections of this code.

(2) Responsibility for interpretation. In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of these regulations, the development services director shall be responsible for interpretation and shall look to the town comprehensive plan for guidance. Responsibility for interpretation by the director shall be limited to standards, regulations and requirements of these regulations, but shall not be construed to include interpretation of any technical codes adopted by reference in these regulation, and not be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of these regulations.

(3) Computation of time. When a time certain is specified for the completion of an act or compliance with an order or requirements of these regulations, the time shall be computed using calendar days unless noted otherwise.

(4) Written or in writing. The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

(5) Year. The word "year" shall mean a calendar year, unless otherwise indicated.

(6) Rules for interpretation of boundaries. Interpretations regarding boundaries shall be made by the enforcing official in accordance with the following:

- a. Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.
- b. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.
- c. Boundaries shown as following or approximately following section lines, half-section lines or quarter-section lines shall be construed as following such lines.
- d. Boundaries shown as following or approximately following natural features shall be construed as following such features.
- e. Boundaries indicated as approximately following the boundaries of an incorporated municipality shall be construed as following such boundaries.
- f. Boundaries indicated as following railroad tracks shall be construed to be midway between the main tracks.
- g. Boundaries indicated as parallel to or extensions of features indicated in subsections a. through d. above, shall be so construed.

(f) *Relationship of specific to general provisions.* More specific provisions of these regulations shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

(g) *Technical construction standards manuals.* Current construction standards codes, such as the Highlands County Technical Standards Manual, the Florida Building Code and other applicable codes are incorporated and adopted by reference into these regulations. Where these current construction standards are modified or changed in any manner through the process of updating; such modification or changes shall automatically be made in and apply under these regulations.

(h) *Maps.* The town zoning and land use maps showing land use districts, conservation areas, overlay zones and other applicable maps illustrating spatial land standards are here incorporated into these regulations by reference.

(i) *Pending applications.* Any and all pending development actions up to and including the date of adoption of these regulations shall be considered in accordance with the following provisions:

(1) All applications for development approval filed prior to the effective date of these regulations shall be heard and decided pursuant to these regulations, except as provided herein below.

(2) With respect to applications pending at the adoption of these regulations, the applicant may petition the town planning and zoning official to apply the town ordinances in effect prior to the adoption of these regulations in order to avoid substantial hardship. Appeal of that decision may be made to the town council.

(3) All applications made after adoption of these regulations shall be decided pursuant to the terms of these regulations.

(j) *Amendments.* Amendments made by the county to the ordinance herein adopted by reference shall be effective and ordained by the town, when amended or repealed by the town.

(k) *Fees and costs.*

(1) All fees and costs established by the county are hereby established and applied to the same matters in the town.

(2) No permit, certificate, special exception or variance, shall be issued or public hearing held unless and until such costs, fees, charges or expenses have been paid in full.

(l) *Repeal of conflicting ordinances and resolutions.*

(1) If the provisions of these regulations conflict with those of any other statute, code, local ordinance, resolution, regulation or other applicable federal, state or local law, the more stringent standard, limitation or requirement shall govern or prevail to the extent of the conflict.

(2) Any prosecution arising from a violation of any resolution repealed by this chapter shall be tried and determined exactly as if such resolution had not been repealed.

(m) *Abrogation.* These land development regulations are not intended to repeal, abrogate or interface with any existing easements, covenants, or deed restrictions duly recorded in the public records of Highlands County, Florida.

SECTION 6. § 155-13. – ADOPTION OF HIGHLANDS COUNTY CODE OF ORDINANCES, LAND DEVELOPMENT REGULATIONS. OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

§155.13 - Adoption of Highlands County Code of Ordinances, Land Development Regulations.

Adoption of Highlands County Code of Ordinances, Land Development Regulations specific to “Definitions and abbreviations”, shall be referred to rather than Section 152-4 when interpreting regulations adopted through Section 155.13.

The below listed provisions of the Highlands County Code of Ordinances, as amended from time to time, are hereby Ordained and incorporated into the Code of Ordinances of the Town of Lake Placid, to-wit:

- (1) *Definitions and abbreviations.* Highlands County Code, article 2, chapter 12 entitled "Definitions and Abbreviations".
- (2) *Construction licensing, enforcement and appeals board.* Highlands County Code, division 6, article 3, chapter 12 entitled "Construction Licensing, Enforcement and Appeals Board - Administration and Enforcement".
- (3) *Plats, site plans and improvement plans.* Highlands County Code, article 4, chapter 12, entitled "Plats, Site Plans and Improvement Plans".
- (4) *Transportation.* Highlands County Code, article 9, chapter 12, entitled "Transportation System Standards and Permits".
- (5) ~~*Landscape.* Highlands County Code, article 11, chapter 12, entitled "Landscaping Standards".~~ *Transfer of Developments Rights.* Highlands County Code, Article 13, Division 3, entitled Transfer of Development Rights.

- (6) *Vesting*. Highlands County Code, division 2, article 13, chapter 12, entitled "Vesting - Other Administrative Procedures".
- (7) *Development agreements*. Highlands County Code, division 4, article 13, chapter 12, entitled "Development Agreements - Other Administrative Procedures".
- (8) *Utility permits*. Highlands County Code, division 3, article 14, chapter 12, entitled "Utility Permits - Public Facility Standards".
- (9) *Building code*. Highlands County Code, article 16, chapter 12, entitled "Building Code".
- (10) *Fire code*. Highlands County Code, article 17, chapter 12, entitled "Fire Code".
- (11) *Standard Housing Code*. Highlands County Code, article 19, chapter 12, entitled "Standard Housing Code".
- (12) *Highlands County Technical Standards Manual*. Highlands County Technical Standards Manual.
- (13) *Archaeological Resources*. Highlands County Code, Article 15, Division 2, entitled Archaeological Resources.

SECTION 7. § 155-14. – CONSTRUCTION LICENSING, ENFORCEMENT AND APPEALS.

In subsection 155.13.(2) of this Code, the Town adopted division 6 of article 3 of section 12 of the Highlands County Code. The town council finds that Highlands County is better equipped to administer said division 6. Accordingly, Highlands County is vested with the authority to fully administer division 6 of article 3 of section 12 of the Highlands County Code in the Town of Lake Placid. The transfer of terms, power and authority as set out in subsection 155-12(c) of this code does not apply to subsection 155.13(2) of this code.

SECTION 8. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or divisions of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance.

SECTION 9. INCLUSION IN THE CODE. When the text of this Ordinance is published for inclusion in the Lake Placid, Florida Code of Ordinances, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined, double

underlined, or highlighted shall be amended so that the text of the Code shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made.

SECTION 10. CODE REVISIONS. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Administrator or his or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

SECTION 11. CONFLICT. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 12. EFFECTIVE DATE. This Ordinance shall become effective on January 1, 2017.

ADOPTED AND ORDAINED during a regular meeting of the Lake Placid Town Council held this ____ day of _____, 2016.

TOWN OF LAKE PLACID,
a Florida municipal corporation

By: _____
John M. Holbrook, Mayor

Attest: _____
Eva Cooper Hapeman, Town Clerk

THIS ORDINANCE WAS READ in full or by title on at least two (2) separate days in two (2) Town Council meetings (on the ____ day of August, 2016 and on the ____ day of September, 2016). Notice of the proposed enactment containing the Ordinance title, stating that a copy may be obtained at Town Hall, and stating that adoption and advising that interested parties may appear at the meeting and be heard with respect to the proposed ordinance was published in Highlands Today on the 10th of July, 2016 and the ____ day of August, 2016 being at least thirty (30) days prior to adoption.

Eva Cooper Hapeman, Town Clerk

ORDINANCE 2016-725
(Amending Chapter 161 –
Off Street Parking and Loading)

Ordinance 2016-725

CHAPTER 161–OFF STREET PARKING AND LOADING

Summary of Amendments

<u>SECTION</u>	<u>PROPOSED CHANGE</u>
Section 161-1. – Parking Requirements.	No amendments proposed. <i>(Page 2 of Ordinance 2016-725)</i>
Section 161-2. – Certificate of Occupancy Prohibited Until Parking Provided.	No amendments proposed. <i>(Pages 2-3 of Ordinance 2016-725)</i>
Section 161-3. – Change in Use.	No amendments proposed. <i>(Page 3 of Ordinance 2016-725)</i>
Section 161-4. – Requirements for Commercial Parking (All Zoning Districts).	Replaced “LPA” with “local planning agency”. <i>(Pages 3-6 of Ordinance 2016-725)</i>
Section 161-5. – Exclusion of Public Rights-of-Way.	No amendments proposed. <i>(Page 6 of Ordinance 2016-725)</i>
Section 161-6. – Parking for Dwellings.	No amendments proposed. <i>(Page 6 of Ordinance 2016-725)</i>
Section 161-7. – Requirements for All Nonresidential Parking.	No amendments proposed. <i>(Pages 6-7 of Ordinance 2016-725)</i>
Section 161-8. – Dual-Use Parking.	No amendments proposed. <i>(Page 7 of Ordinance 2016-725)</i>
Section 161-9. – Low Percentage Of Leasable Space.	No amendments proposed. <i>(Page 7 of Ordinance 2016-725)</i>
Section 161-10. – Historic Structures.	No amendments proposed. <i>(Pages 7-8 of Ordinance 2016-725)</i>
Section 161-11. – Parking Area Improvements.	No amendments proposed. <i>(Pages 8-9 of Ordinance 2016-725)</i>
Section 161-12. – Parking of Trucks, Trailers and Travel Trailers.	No amendments proposed. <i>(Page 9 of Ordinance 2016-725)</i>
Section 161-13. – Off Street Loading and Unloading Space.	No amendments proposed. <i>(Pages 9-10 of Ordinance 2016-725)</i>
Section 161-14. – Linked Parking.	No amendments proposed. <i>(Page 10 of Ordinance 2016-725)</i>
Section 161-15. – Requirements for Dumpsters.	Amended to include regulations for Dumpster Screening. <i>(Pages 10-11 of Ordinance 2016-725)</i>

ORDINANCE NO. 2016 -725

AN ORDINANCE OF THE TOWN OF LAKE PLACID, FLORIDA, AMENDING THE TOWN'S LAND DEVELOPMENT CODE TO IMPLEMENT THE LAKE PLACID REGIONAL PLAN; AMENDING CHAPTER 161 – OFF STREET PARKING AND LOADING; AMENDING SECTION 161-1.-PARKING REQUIREMENTS; AMENDING SECTION 161-2.-CERTIFICATE OF OCCUPANCY PROHIBITED UNTIL PARKING PROVIDED; AMENDING SECTION 161-3.-CHANGE OF USE; AMENDING SECTION 161-4.-REQUIREMENTS FOR COMMERCIAL PARKING (ALL ZONING DISTRICTS); AMENDING SECTION 161-5.-EXCLUSION OF PUBLIC RIGHTS-OF-WAY; AMENDING SECTION 161-6.-PARKING FOR DWELLINGS; AMENDING SECTION 161-7.-REQUIREMENTS FOR ALL NONRESIDENTIAL PARKING; AMENDING SECTION 161-8.-DUAL-USE PARKING; AMENDING SECTION 161-9.-LOW PERCENTAGE OF LEASABLE SPACE; AMENDING SECTION 161-10.-HISTORIC STRUCTURES; AMENDING SECTION 161-11.-PARKING AREA IMPROVEMENTS; AMENDING SECTION 161-12.-PARKING OF TRUCKS, TRAILERS AND TRAVEL TRAILERS; AMENDING SECTION 161-13.-OFF-STREET LOADING AND UNLOADING SPACE; AMENDING SECTION 161-14.-LINKED PARKING; AMENDING SECTION 161-15.-REQUIREMENTS FOR DUMPSTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Lake Placid, Florida desires to amend the Town Code; and

WHEREAS, the Town Council, Local Planning Agency and Growth Management Committee approved the Report of the Lake Placid Area Growth Management Committee on May 29, 2007; and

WHEREAS, the Town Council adopted the “Town of Lake Placid 2030 Comprehensive Plan” on January 14, 2013, of which Objective 6 was added to the Future Land Use Element which includes policies specific to the Lake Placid Regional Plan; and

WHEREAS, amendments to the Town’s Code are required to implement recommendations from the Growth Management Committee and the policies adopted in the Future Land Use Element of the “Town of Lake Placid 2030 Comprehensive Plan”; and

WHEREAS, amendments to the Town’s Code are provided which remove inconsistencies and update references to Florida Statutes; and

WHEREAS, notice of this proposed Ordinance was published at least thirty (30) days prior to adoption in a newspaper of general circulation in the Town of Lake Placid; and

WHEREAS, the Lake Placid Local Planning Agency held a public hearing on said amendments on:

The ____ day of _____, 2016; and

WHEREAS, two public hearings were held by the Town Council on said Ordinance on:

The ____ day of _____, 2016; and

The ____ day of _____, 2016; and

WHEREAS, it appears in the best interest of the Town of Lake Placid that the Ordinance be adopted; and

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LAKE PLACID, FLORIDA:

SECTION 1. § 161-1. - PARKING REQUIREMENTS.

Regarding all types of land use listed below, the following off-street parking requirements shall be provided as a minimum; all such spaces shall be computed on the basis of an area of at least ten (10) by twenty (20) feet, plus necessary access lanes, not including public rights-of-way; all off-street parking areas shall be provided with dust-proof surface of a type and material approved by the town council, and a system for surface drainage shall be provided as required by site conditions.

(Ord. No. 05-468, § 1, 7-11-05)

SECTION 2. § 161-2. - CERTIFICATE OF OCCUPANCY PROHIBITED UNTIL PARKING PROVIDED.

No certificate of occupancy shall be issued, and no premises occupied until all parking areas are in place and approved and certified by the building inspector; however, a certificate

of occupancy may be issued and premises occupied prior to completion of parking areas, provided that the applicant deposits with the mayor a cash or security bond equal to one hundred ten (110) percent of the estimated cost of the parking and drainage improvements as approved by the town council.

(Ord. No. 05-468, § 1, 7-11-05)

SECTION 3. § 161-3. - CHANGE OF USE.

When the type of use (defined below) of a parcel of property is to be changed from an otherwise lawful use existing on October 1, 2005, (if vacant, the last use within twelve (12) months) to a more intensive use requiring more parking, or when the lawful use of the property is expanded, extended or intensified, then and in that event, the respective land owner must provide parking to the standards required by the Code of the Town of Lake Placid at the time the use is changed. No building permit or new occupational license shall be issued for properties regulated by this section until the applicant demonstrates compliance with this section. The landowners and tenants are jointly and severally liable for violation of this section. If the property is vacant for more than twelve (12) months, this exemption is lost and the owner must comply with this Code.

(Ord. No. 05-468, § 1, 7-11-05)

SECTION 4. § 161-4. - REQUIREMENTS FOR COMMERCIAL PARKING (ALL ZONING DISTRICTS).

The following parking requirements apply in all nonresidential zoning districts in the Town of Lake Placid:

(1) *Parking surfaces.* All parking areas shall be surfaced with a hard, dustless material, shall be properly drained and shall be designed with regard to pedestrian safety.

- a. Notwithstanding the above, upon application and a showing of good cause why a portion of the required parking area should remain unpaved, the local planning agency (~~LPA~~) may allow up to twenty-five (25) percent of parking spaces to remain unpaved.
- b. Upon application showing that the applicant does not use parking daily (such as a church), the ~~LPA~~ local planning agency may allow up to fifty (50) percent of all parking spaces to remain unpaved.
- c. Upon application, the ~~LPA~~ local planning agency may approve a grass or mulched surface where light duty or infrequent use of the parking lot may make such surfaces desirable.
- d. The ~~LPA~~ local planning agency or town permit or order approving applications pursuant to subsections a., b. and c. of this subsection shall reserve the right to require pavement of all or a portion of the unpaved surfaces within six (6) months of a determination and written notice by the ~~LPA~~ local planning agency or the town that a nonpaved surface is no longer adequate or desirable. In the event an owner or applicant of the property fails to pave the parking lot within

six (6) months of the mailing of a written notice mentioned above, the subject property is deemed a nonconforming use and all provisions in this Code relating to a nonconforming use apply.

- e. Every application made pursuant to subsections (1)a., b. and c. of this section shall include evidence and otherwise show that the unpaved parking areas will not cause excess erosion, substantially reduce water quality or any other degradation of the natural or manmade environment.

(2) *Location and size of parking areas.* The location of individual parking spaces shall be clearly marked. Each off-street parking space shall contain at least one hundred eighty (180) square feet (excluding space for access drives and aisles). The minimum size of each space shall be nine (9) feet by twenty (20) feet. Aisles for two-way traffic in parking lots shall be twenty-two (22) feet in width. Aisles for one-way traffic with angle parking may be reduced to fifteen (15) feet in width. Off-street turning and maneuvering space shall be provided for each lot containing six (6) or more spaces so that no vehicle will be required to back onto or from any public street or alley.

Type of Use	Minimum Number of Spaces Required
Single-family dwellings	2 per dwelling unit
Mobile homes	2 per mobile home
Multifamily and duplex dwellings; apartments	2 for each unit
Multifamily dwellings with limited-age occupancy, apartment house or multifamily building, the occupancy of which is limited to persons of age 62 years or older by any public entity	1 per dwelling unit
Churches, places of worship, funeral homes, schools, public buildings, theaters, auditoriums, areas and places of assembly, private clubs and lodges	1 for each <u>5</u> seats of maximum seating capacity in the principal area of assembly
Professional, personal and business services, retail sales and services	1 for each 300 square feet of gross floor area, excluding warehousing space
Country clubs, golf clubs, gun clubs, tennis clubs and organizations designed for providing outdoor sporting and recreational activities	1 for each 5 members
Hospitals and sanatoriums	1 for each patient bed
Nursing homes	1 for each 4 patient beds
Motels, hotels and guest homes, if no restaurant is included	1 for each guest room or 1 for each bathroom, whichever is greater. If eating and/or drinking places are included, spaces as required below for those uses shall also be provided

Type of Use	Minimum Number of Spaces Required
Eating or drinking places (non-drive-ins)	1 for each 75 feet of customer service area, plus 1 for each employee
Rooming houses, transient or permanent; boardinghouses with rooms and meals; or dormitories	1 for each room for occupancy, plus 1/3 for each bed space in excess of 1 bed per room
Wholesale and warehouse uses	1 for each 3 employees and 1 for each 500 square feet of roofed-over area, plus 1½ for each company vehicle operating from the premises
Manufacturing and industrial concerns	1½ for each vehicle operating from the premises, and 1 for each 300 square feet of roofed-over area

(Ord. No. 05-468, § 1, 7-11-05)

SECTION 5. § 161-5. - EXCLUSION OF PUBLIC RIGHTS-OF-WAY.

All parking spaces required in this section shall in no part exist upon, and no portion of any vehicle shall overhang, the right-of-way of any public road, street, alley or walkway.

(Ord. No. 05-468, § 1, 7-11-05)

SECTION 6. § 161-6. - PARKING FOR DWELLINGS.

Parking spaces for all dwellings shall be located on the same plot with the main building. There shall be no off-street parking in the front (street side) yard of any multifamily residential complex or building.

(Ord. No. 05-468, § 1, 7-11-05)

SECTION 7. § 161-7. - REQUIREMENTS FOR ALL NONRESIDENTIAL PARKING.

Parking spaces for nonresidential uses may be provided on the same plot with the main building or at a site which is not more than three hundred (300) feet distant from the plot containing the main building or use, as measured along the nearest legal pedestrian walkway. Such parking area may be located in an adjacent residential district, provided that such parking area does not extend more than three hundred (300) feet into the adjacent residential district and is screened and otherwise designed to prevent headlights from shining into or otherwise disturbing residential properties and to minimize vehicular noise, as required in subsection 161-11(1). A plan for such a proposed parking area in a residential district to serve

a nonresidential use shall be submitted to the board of zoning adjustment for review and approval or disapproval.

(Ord. No. 05-468, § 1, 7-11-05)

SECTION 8. § 161-8. - DUAL-USE PARKING.

Parking requirements for two (2) or more uses of the same or different types, may be provided by the establishment of the required number of spaces for each use in a common parking area.

The town council may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use shall be approved if the following conditions are met:

- (1) The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.
- (2) The developer and the town enter into a development agreement in which the developer guarantees the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this Code.
- (3) The development agreement shall be recorded in the public records of Highlands County and shall prohibit an increase in use of the affected property until the then required parking is provided.

(Ord. No. 05-468, § 1, 7-11-05)

SECTION 9. § 161-9. - LOW PERCENTAGE OF LEASABLE SPACE.

The town council may permit a reduction in the required parking if less than eighty-five (85) percent of leasable space is proposed to be utilized because of cafeterias, athletic facilities or covered patios; multiple stairways and elevator shafts; atriums; conversion of historic residential structures to commercial use; or for other reasons, subject to the following conditions:

- (1) The developer submits a detailed floor plan describing how all of the floor area in the building will be used.
- (2) The developer agrees in writing that the usage of the square footage identified as not leasable shall remain not leasable, unless and until additional parking is provided to conform fully with this Code. The agreed permit specifically showing the space not leased shall be recorded in the public records of Highlands County.

(Ord. No. 05-468, § 1, 7-11-05)

SECTION 10. § 161-10. - HISTORIC STRUCTURES.

The town council may reduce or exempt the required parking in connection with the

preservation of any historic site or structure that is located in a historic district and contributes to the historic character of the district, where such reduction or exemption is needed to allow a viable use of the historic structure, provided that the reduction or exemption will not result in a severe parking shortage or severe traffic congestion.

(Ord. No. 05-468, § 1, 7-11-05)

SECTION 11. § 161-11. - PARKING AREA IMPROVEMENTS.

Any off-street parking area serving any use other than a dwelling of up to four (4) units per building shall meet the following requirements for off-street parking lot improvements:

- (1) *Screening wall.* The parking area will be provided with a continuous screening wall of not less than five (5) and not more than six (6) feet in height and provide at least ninety (90) percent horizontal visual blockage at all locations where the parking area abuts property zoned for residential purposes up to fifteen (15) feet from the street. That portion of the screening wall shall not exceed three (3) feet in height.
- (2) Where lighting facilities are provided for any parking area, the lighting equipment shall be designed and arranged so as to reflect no light on residential property.
- (3) Landscaping shall consist of terminal islands at the end of each row of parking, interior islands within each row of parking and landscaped divider strips.
 - a. Each terminal island shall include at least one (1) tree, shall measure not less than five (5) feet in width, and shall be at least as long as the single or double row of parking spaces terminated by the island.
 - b. Interior islands shall be provided to break up rows of parking spaces such that no continuous uninterrupted row of spaces may exceed twelve (12) spaces without the provision of an intervening interior island. Interior islands shall be at least five (5) feet in width and shall have the same depth as the abutting parking spaces. At least one (1) tree shall be provided in each interior island.
 - c. Contiguous rows of parking spaces may be separated by a divider median. Where such a median is used, it shall be at least five (5) feet in width. One (1) tree shall be planted within each divider median and one (1) additional tree for each forty-foot length. Where divider medians are used, the abutting parking spaces may be reduced by not more than two (2) feet in depth, provided that adequate protection is included to prevent damage to trees and landscaped areas from automobiles and pedestrians.
 - d. Terminal islands, interior islands and divider medians shall be surrounded with a continuous raised Type F DOT curb. Landscaped area dimensions shall be measured from the inside of the curb.
 - e. Landscaping shall be provided around the perimeter of a parking area so as to create a buffer from adjoining land uses, streets, and properties. Perimeter landscaping strips adjacent to U.S. 27 shall be at least ten (10) feet wide (ten (10) feet measured perpendicular to U.S. 27); all others shall be at least five (5) feet wide.

- f. All landscaping provided within the required parking areas shall have installed therein facilities for irrigation and be covered with appropriate plant material before a certificate of occupancy can be issued.

SECTION 12. § 161-12. - PARKING OF TRUCKS, TRAILERS AND TRAVEL TRAILERS.

Within any R or A Districts, no trucks or trailers in excess of one-ton capacity or motor homes or motor coaches in excess of thirty-five (35) feet in length shall be parked for storage purposes for more than twenty-four (24) hours in any five-day period; nor shall such equipment be parked on any public right-of-way; nor shall such equipment be parked on private property except within a completely enclosed structure. Trailers of less than one-ton capacity, including pleasure boat trailers and collapsible camping trailers, may be parked on private property in R or A Districts, provided that such trailers are parked only within the areas in which the principal building, accessory building or the parking of passenger vehicles is permitted. Travel trailers thirty-five (35) feet long or less may be parked for storage purposes only in A or R Districts, provided that they are parked within an area of the side or rear yard and meeting setback requirements (plus an additional five (5) feet) for an accessory building and are not attached to any utility service lines.

SECTION 13. § 161-13. - OFF-STREET LOADING AND UNLOADING SPACE.

(a) There shall be provided on the same lot with each building or structure, other than a one- through four-family dwelling hereafter constructed, adequate space for off-street loading, unloading and the maneuvering of commercial vehicles. There shall be no loading or unloading of commercial vehicles on a public street. Off-street maneuvering space shall be provided so that no backing onto or from a public street is required. All loading and maneuvering areas shall be surfaced with a hard, dustless material, shall be properly drained and shall be designed with regard to pedestrian safety, and shall have direct access to a public street or alley.

(b) The number of off-street loading berths required by this section shall be considered as the absolute minimum, and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. For purposes of this section, an off-street loading berth shall have minimum plan dimensions of twelve (12) feet by twenty-five (25) feet, and fourteen (14) feet overhead clearance, with adequate means for ingress and egress. The number of off-street loading requirements shall be as follows:

(1) Each retail store, storage warehouse, wholesale establishment, industrial plant, factory, freight terminal, market, restaurant, mortuary, laundry, dry cleaning establishment or similar use which has an aggregate gross floor area of:

Area in Square Feet	Spaces
Over 10,000 but not over 25,000	1
Over 25,000 but not over 60,000	2
Over 60,000 but not over 120,000	<u>3</u>
Over 120,000 but not over 200,000	4
Over 200,000 but not over 290,000	5
Plus, one (1) space for each additional 90,000 over 290,000 or major fraction thereof.	

(2) A loading space requirement may be modified or waived by the town council on a variance application in the case of a bank, theater or other uses where the same is not clearly required.

SECTION 14. § 161-14. - LINKED PARKING.

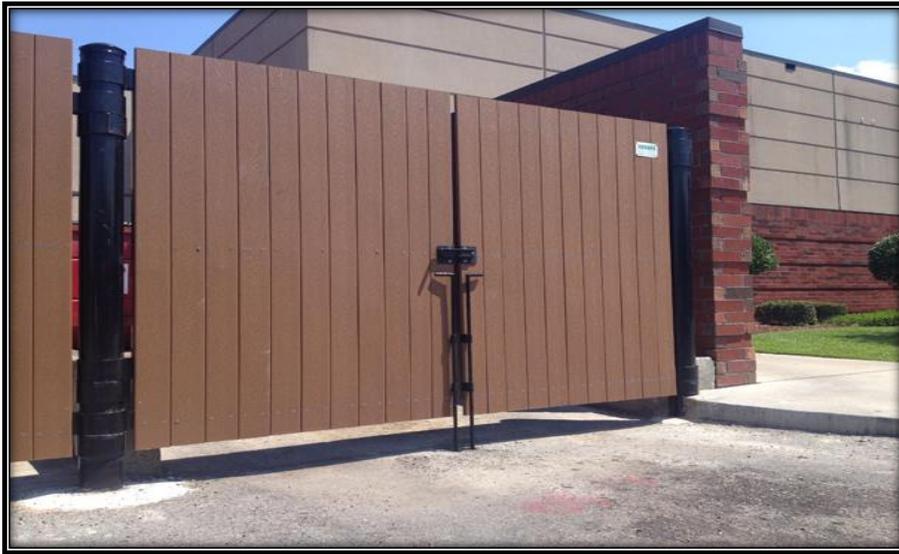
When constructed or expanded, adjacent parking lots shall be linked, unless good cause is shown that linking is not practicable.

SECTION 15. § 161-15. - REQUIREMENT FOR DUMPSTERS. OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

(a) Every commercial, industrial, and multifamily development shall be required to provide a dumpster or appropriate trash receptacle on-site with adequate screening from public view. Such trash receptacles shall not interfere with the required parking.

(b) Dumpster Screening: Dumpsters shall be fully screened from view. A dumpster enclosure shall be constructed at a height of 7-feet using durable building materials and colors coordinated with the overall building design as illustrated in Figure 161-15.A.

Figure 161-15.A.
Example of Dumpster Enclosure.



SECTION 16. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or divisions of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance.

SECTION 17. INCLUSION IN THE CODE. When the text of this Ordinance is published for inclusion in the Lake Placid, Florida Code of Ordinances, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined, double underlined, or highlighted shall be amended so that the text of the Code shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made.

SECTION 18. CODE REVISIONS. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the

Town; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Administrator or his or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

SECTION 19. CONFLICT. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 20. EFFECTIVE DATE. This Ordinance shall become effective on January 1, 2017.

ADOPTED AND ORDAINED during a regular meeting of the Lake Placid Town Council held this ____ day of _____, 2016.

TOWN OF LAKE PLACID,
a Florida municipal corporation

By: _____
John M. Holbrook, Mayor

Attest: _____
Eva Cooper Hapeman, Town Clerk

THIS ORDINANCE WAS READ in full or by title on at least two (2) separate days in two (2) Town Council meetings (on the ____ day of August, 2016 and on the ____ day of September, 2016). Notice of the proposed enactment containing the Ordinance title, stating that a copy may be obtained at Town Hall, and stating that adoption and advising that interested parties may appear at the meeting and be heard with respect to the proposed ordinance was published in Highlands Today on the 10th of July, 2016 and the ____ day of August, 2016 being at least thirty (30) days prior to adoption.

Eva Cooper Hapeman, Town Clerk



Date: August 8, 2016

To: Lake Placid Town Council
Lake Placid Local Planning Agency

From: Central Florida Regional Planning Council

Subject: **Amendments to the Lake Placid Sign Regulations**

Enclosed please find the Agenda Package for Ordinances 2016-726 to Ordinance 2016-727 for the Joint Local Planning Agency/Town Council Public Hearing regarding amendments to the Lake Placid Sign Regulations including definitions. The following items are included in this package:

- **Overview**
- Summary of Amendments for Ordinance 2016-726
 - **Ordinance 2016-726 (Amending Chapter 154–Zoning; Amending Section 154-15.-Signs)**
- Summary of Amendments for Ordinance 2016-727
 - **Ordinance 2016-727 (Amending Chapter 152–Language and Definitions)**

The Joint Local Planning Agency/Town Council meeting is scheduled for **Monday, August 15, 2016 at 5:30 pm.**

The Town Council second public hearing is scheduled for **Monday, September 12, 2016, at 5:30 pm.**

TOWN OF LAKE PLACID
AMENDMENTS TO THE LAKE PLACID CODE OF ORDINANCES
OVERVIEW

August 2016

TO: LAKE PLACID TOWN COUNCIL
LAKE PLACID LOCAL PLANNING AGENCY

FROM: CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

SUBJECT: Amendments to the Lake Placid Code of Ordinances:

- Town-initiated text amendment to the Town of Lake Placid Land Development Code Section 154-15. – Signs providing for updates to the sign code including new regulations to address the requirements of content neutrality as set forth in the U.S. Supreme Court Ruling of Reed vs. Town of Gilbert.
- Text Amendments to implement the Lake Placid Regional Plan Overlay District.

AGENDA DATES:

August 15, 2016, 5:30 PM:

Joint Local Planning Agency/Town Council Public Hearing (1st Reading)

September 12, 2016, 5:30 PM:

Town Council Public Hearing (2nd Reading)

OVERVIEW:

- The Town has initiated updating the Town’s Sign Regulations in order to:
 - Provide an organized framework of regulations that is more user-friendly to interpret.
 - Update the sign regulations consistent with the content neutrality provisions as set forth in the U.S. Supreme Court Ruling of Reed vs. Town of Gilbert (2015).
 - Implement the Growth Management Committee Recommendations for signage.

Language

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

Please note that proposed non-substantive changes such as organization name changes and grammatical revisions are not listed in the Amendment Summary.

ORDINANCE 2016-726

(Section 154-14. Signs)

Ordinance 2016-726

SECTION 154-15.-SIGNS

Summary of Amendments

SECTION

PROPOSED CHANGE

Section 154-15.1. – Purpose and Intent.

Revised to provide content neutral text.

Section 154-15.2. – Substitution of Noncommercial Speech for Commercial Speech and Content Neutrality.

New section added to address content neutrality.

Section 154-15.3. – Definitions.

Definitions are being relocated to Section 152 – Language and Definitions under “Sign”. A reference to Section 152 is provided.

Section 154-15.4. – Sign Permits.

Permit fees are amended to remove the specific dollar amount thereby allowing for fee changes without amending the Land Development Code.

Detail has been added for requirements of applications for sign permits.

Amended permit exemptions to include the changing of a face or normal and regular maintenance that does not alter the supports, structure or location of the sign, nor increases the sign area.

Section 154-15.5. – General Requirements.

This section has been reorganized to include topic headings which more clearly presents the information. Existing information remains unchanged. Some additional text has been added for clarity including:

- Amended double-face signs to provide guidance in calculations of sign area.
- Amended “weather” to provide for temporary signs “that may be readily moved from place to place” in recognition that not all temporary signs are readily movable and may be secured in the ground such as a real estate sign.

- Added regulation for no signs to obstruct the Sight Distance Triangle.
- Added the calculation of Logos in sign area under this section.
- Moved Obscenity to Prohibited Signs.
- Moved Maintenance and Compliance with Building and Electrical Codes to New Section 154-15.9.
- Added detail to Illumination Standards.

Section 154-15.6. – Specific Signs.

Changed reference of “readerboard” to “changeable copy” (manual and automatic) sign.

Provide sections specific to “changeable copy (automatic)”.

Measurements for brightness of “changeable copy (automatic)” signs have been added.

Added new provision to all for “menu boards”.

Deleted Residential Occupation Signs for content neutrality. They are now included under “Exempt Signs” as “Tablet Signs”.

Time and temperature signs have been removed because they have a specific purpose and content in violation of content neutrality.

Removed speaker based reference by removing “service” and relabeling as “Community Projects and Contributions”.

For content neutrality, temporary signs is a new inclusive category that combines currently defined signs, which have specific and varying purposes and content (e.g., real estate, political, construction signs, etc.). The aggregate sign square footage allows for varying sign sizes, but will also limit the number of signs and the total sign area allowed on a property. Display duration is addressed as a general requirement for all temporary signs (signs are to be removed within 7 days after an event) and may also be regulated through maintenance requirements provided in Sec. 154-15.9. Currently display duration is limited by content/purpose of the sign (real estate signs within 3 days of closing & political signs within 5 days of election).

Section 154-15.7 Prohibited Signs and Violations.

Deleted exception for time and temperature signs for content neutrality.

Deleted hazardous signs duplicate text that is included in signs with moving lights.

Deleted “flashing neon sign” as it is covered in signs with moving lights. Replaced with the new “parasite sign”.

Deleted reference to Sandwich Board sign, as it is an allowable temporary sign. A previous code amendment made an allowance for these signs as permitted signs.

Deleted “temporary signs” to allow for various temporary signage, such as political signs, real estate, free speech, etc. After the Supreme Court ruling in Reed vs. Town of Gilbert, sign requirements based on the content/message or category (e.g., political speech, real estate, etc.) will fail to comply with the Court’s content-neutral sign requirement. The proposed term Temporary Sign is an inclusive definition of all those specific temporary sign categories that exist in the current Code.

Unsafe signs strike-thru text relocated to 154-15.17.2.

Description of snipe sign which has now been defined.

Violation relocated to “Violations” section of the code 154-15.20.

Deletions have caused renumbering within this section.

To maintain content-neutrality, removed the references to the categorical & content-based “occupational signs” and memorial signs” and combined the two, along with their number and size, into “Tablet Signs” below since they are both building signs.

Public purpose, service, and/or safety signs are revised for brevity, but information is the same.

On-premise signs are consistent with the current requirements for identification and miscellaneous signs.

Identification signs is revised for content neutrality.

Directional and notice signs are revised for content neutrality

To maintain content and speaker neutrality garage sale signs, holiday displays, political signs, real estate signs, and construction signs are now covered under "Temporary Signs". Approved changes is now provided under the "Sign Permits" section of the code 154-15.4, 8.b. Street numbers, window signs, school signs and hand held signs have been retained under Street number, Window Signs, School signs and Signs carried by a person. One-time display (event) signs has been revised to better address neutrality concerns.

"Miscellaneous Signs" are covered under other sections of this code.

Section 154-15.8. Exemptions from permit requirements.

Renumbered sections.

Deleted sign terminology that is not content neutral.

To maintain content-neutrality, removed the references to the categorical & content-based "occupational signs" and "memorial signs" and combined the two, along with their number and size, into "Tablet Signs" below since they are both building signs.

Provided detail for on-premises signs. This is consistent with the current requirements for identification and miscellaneous signs.

Directional and notice signs have been revised for content neutrality.

"Grand Opening Signs" have been revised to better address neutrality concerns.

Section 154-15.9. Construction and Maintenance Standards.

New section to strengthen construction, appearance and sign maintenance standards.

Section 154-15.10. Nonconforming Signs.

This section has been expanded to address nonconforming signs.

Section 154-15.11. Sign Districts.

This section has been updated to include the Lake Placid Regional Plan District.

Added Map of Sign Districts.

Added Table for each Sign District for ease of reference.

Deleted the reference to readerboard and replaced with “changeable copy”. Deleted existing text referring to changeable copy sign (automatic) since it is provided in Sec. 154-15.6

Severability has been moved to Section 154-15.20.

Added the Lake Placid Regional Plan Sign District.

Added new standard for maximum height for mansard roof sign in General Sign District consistent with standard in US 27 District.

**Sections 154-15.11. to
Section 154-15.16. - Sign Districts.**

This section has been updated to include the Lake Placid Regional Plan District.

Updates have been made to this Section.

**Sections 154-15.17.- Removal of
Illegal or Prohibited Sign.**

Relocated text from Section 154-15.3. and Section 154-15.7.

Removal of Unsafe or Abandoned Signs. Revised replacement time from 8 days to immediately for imminent danger and 30 days for all other instances, with the latter consistent with 154-15.9, Construction and Maintenance.

**Section 154-15.18. – Signs after
Disaster.**

Relocated from Section 154-15.14.

**Section 154-15.19. – Violations and
penalties.**

Relocated from Section 154-15.15.

Section 154-15.20. – Severability.

Provided greater detail specific to:

Severability Where Less Speech Results.
Severability of Provisions Pertaining to Prohibited Signs.

ORDINANCE NO. 2016-726

AN ORDINANCE OF THE TOWN OF LAKE PLACID, FLORIDA, AMENDING THE TOWN'S LAND DEVELOPMENT CODE TO IMPLEMENT THE LAKE PLACID REGIONAL PLAN AND CONTENT NEUTRALITY; AMENDING CHAPTER 154-ZONING; AMENDING SECTION 154-15.-SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Lake Placid, Florida desires to amend the Town Code; and

WHEREAS, the Town Council, Local Planning Agency and Growth Management Committee approved the Report of the Lake Placid Area Growth Management Committee on May 29, 2007; and

WHEREAS, the Town Council adopted the "Town of Lake Placid 2030 Comprehensive Plan" on January 14, 2013, of which Objective 6 was added to the Future Land Use Element which includes policies specific to the Lake Placid Regional Plan; and

WHEREAS, amendments to the Town's Code are required to implement recommendations from the Growth Management Committee and the policies adopted in the Future Land Use Element of the "Town of Lake Placid 2030 Comprehensive Plan"; and

WHEREAS, amendments to the Town's Code are provided which remove inconsistencies and update references to Florida Statutes; and

WHEREAS, amendments to the Town's Code are provided which provide for content neutrality consistent with the U.S. Supreme Court Ruling of Reed vs Town of Gilbert; and

WHEREAS, notice of this proposed Ordinance was published at least thirty (30) days prior to adoption in a newspaper of general circulation in the Town of Lake Placid; and

WHEREAS, the Lake Placid Local Planning Agency held a public hearing on said amendments on:

The ____ day of _____, 2016; and

WHEREAS, two public hearings were held by the Town Council on said Ordinance on:

The ____ day of _____, 2016; and

The ____ day of _____, 2016; and

WHEREAS, it appears in the best interest of the Town of Lake Placid that the Ordinance be adopted.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LAKE PLACID, FLORIDA:

SECTION 1. § 154-15. - SIGNS. OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS FOLLOWS:

Section 154-15.1. Purpose and intent.

- ~~1. The regulations and requirements herein set forth shall be the minimum requirements to promote the public health, safety and general welfare, and to protect the character of residential, business, and industrial areas throughout the town.~~
- ~~2. With respect to commercial signs, the town intends among other things, to avoid excessive competition and clutter among sign displays.~~
- ~~3. The town intends to permit signs which visually organize the activities of the town, identify businesses, and help the public and business delivery systems locate their destinations.~~
- ~~4. The requirements regarding placement, installation, maintenance, size and location of signs, are intended to minimize unnecessary distractions to motorists, protect pedestrians and provide safe working conditions for those persons who are required to install, maintain, repair and remove the signs and their structures.~~
- ~~5. The town and the community at large have invested tremendous resources toward the esthetic improvement and beautification of the Town of Lake Placid. This ordinance is intended to further the community's effort to make Lake Placid an esthetically pleasing place to live, work and visit.~~

The Purpose of the Sign Regulations is to make known that signs provide an important medium through which businesses and individuals may convey a variety of commercial and noncommercial messages. But, when left unregulated, signs can become a threat to public safety as a traffic hazard, and a detriment to property values and the Town's overall public welfare as an aesthetic nuisance. Therefore, the intent of these Sign Regulations is to:

1. Preserve the right of free speech and expression in the display of signs;
2. Further the objectives of the Town of Lake Placid's Comprehensive Plan;
3. Protect the public health, safety and welfare of Town citizens;
4. Reduce traffic and pedestrian hazards;
5. Protect property values by minimizing signs' possible adverse effects;
6. Promote economic development; and
7. Ensure the fair and consistent enforcement thereof.

Section 154-15.2. Substitution of Noncommercial Speech for Commercial Speech and Content Neutrality.

1. Substitution of Noncommercial Speech for Commercial Speech.

Notwithstanding anything contained in this Chapter or Code to the contrary, any sign erected pursuant to the provisions of this Chapter or Code may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another noncommercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback and other dimensional criteria contained in this Chapter and Code have been satisfied.

2. Content Neutrality as to Sign Message (Viewpoint).

Notwithstanding anything in this Chapter or Code to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

Section 154-15.2 23. Definitions. Definitions for this Chapter are provided in Chapter 152, Section 152-4, under "Sign".

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Awning* means a roof like cover made of cloth, canvas or other similar material, that projects from the wall of a building for the purpose of shielding a doorway, walkway or window from the elements.~~

~~*Awning sign* means any building sign attached to an awning.~~

~~*Balloon display* is any balloon including plastic or rubber inflatable objects anchored on private property for the purpose of advertisement.~~

~~*Banner* is any strip of cloth, plastic or other flexible material on which a sign is printed, painted, or otherwise displayed.~~

~~*Beacon light* means any light with one (1) or more beams capable of being directed in any direction or directions, or capable of being revolved automatically, or capable of having any part thereof revolve automatically, or a fixed or flashing high intensity light; search light.~~

~~*Bench sign* is any sign on a bench which displays advertising or which is intended for the display of advertising and when such benches are to be located on the public way or when such benches are to be located on private property, but the advertising is intended to be viewed from the public way.~~

~~*Billboard* means any sign relating in its subject matter to commodities, accommodations, services, activities, or information on premises or lots other than the premises upon which the sign is located.~~

~~*Building sign* means a sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, canopies, awnings, marquees and roofs.~~

~~*Bus stop shelter sign* is any sign located on any part of the surface of a bus stop shelter.~~

~~*Canopy* means a permanent roof-like shelter, open on at least three (3) sides, to protect an area from the elements, such as over gasoline pumps.~~

~~*Canopy sign* means any building sign attached to a canopy.~~

~~*Changeable copy sign (automatic)* means a sign upon which copy is changed or changes automatically. Examples include electronically or electrically controlled public service time, temperature and date message, message center, or readerboard, or other signs upon which different copy changes can be shown on the same lampbank.~~

~~*Changeable copy sign (manual)* means a sign upon which copy is changed manually. Examples include the following: Reader boards with changeable letters or changeable pictorial panels.~~

~~*Construction sign* means a sign erected at a building site which identifies the general contractor and the general contractor's contact information, and displays permits issued for the construction project.~~

~~*Copy* means the linguistic or graphic content of a sign.~~

~~*Directional sign* is any permanent sign without commercial content, but showing directions to specific locations such as clubhouse, golf course, tennis courts, etc.~~

~~*Eaves* means the lowest horizontal line of a sloping roof or the plane of a flat roof.~~

~~*Electric sign* means any sign containing electric writing.~~

~~*Freestanding sign* is a ground or pole sign.~~

~~*Frontage* means the length of the property line of any one (1) parcel along a street on which it borders.~~

~~*Garage sale sign* is any sign advertising garage sales.~~

~~*Ground sign or ground-mounted sign* means a sign that is supported by one (1) or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.~~

~~*Hazardous sign* is any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, contents, coloring, or methods of illumination, or which obstructs the visibility of any official traffic control device or which diverts or tends to divert the attention of drivers of moving vehicles from traffic movement on streets, roads, intersections, or access facilities.~~

~~*Holiday decorations* are symbols or decorations celebrating accepted holidays and seasons with noncommercial messages.~~

~~*Identification sign* is any sign which indicates the name of the use, owner, activity, business or enterprise, but which does not advertise products, commodities, or services offered, and which is located on the same property which is identified.~~

~~*Illuminated sign* means a sign in which an artificial source of light is used in connection with the display of such sign.~~

~~*Internal illumination* means illumination of a sign which is affected by an artificial source of light, which is contained within the sign itself.~~

~~*Lot* means a parcel of land designated in a recorded deed or in an approved subdivision, which meets the minimum requirements for development as specified in this land development code; or a parcel of land approved for separate and individual development under a development permit issued by the town; or a parcel or contiguous parcels of land occupied by an individual use or coordinated combination of uses, including principal structures and associated accessory structures, yards, open spaces, buffer areas, accessways, parking areas, and loading areas. If, however, the property lines are such as to defeat the purposes of this chapter, a lot may be designated so as to effectuate the purpose of this chapter.~~

~~*Marquee* means a structure projected from and supported by a building which extends beyond the building line and usually fully or partially covers a sidewalk, porch, public entrance or other pedestrian way.~~

~~*Marquee sign* means any sign attached to a marquee.~~

~~*Multiple-occupancy complex* means a commercial use, or other nonresidential use including a special use district consisting of a parcel of property, or parcel of contiguous properties, including condominium or cooperative units, existing as a unified or coordinated project, with a building or buildings housing more than two (2) occupants. The number of units or business locations shall be counted, rather than the number of businesses which may exist at a unit or business location.~~

~~*Murals* are painted art forms on walls or similar building areas devoid of commercial messages.~~

~~*Neon sign* means any sign which is formed by luminous or gaseous tubes in any configuration, and such tubes are visible.~~

~~*Nonconforming sign* means a sign lawfully existing at the date it was erected, but could not be erected under the terms of this chapter, or as it may be amended.~~

~~*Off premises sign* means any sign upon which advertising matter may be placed or upon which posters may be posted or otherwise secured to the face thereof, advertising goods, services or other things not sold or available upon the premises upon which sign is located.~~

~~*On premises sign* means any sign upon which advertising matter may be placed or upon which posters may be posted or otherwise secured to the face thereof, advertising goods, services or other things rendered on the immediate premises where the sign is located.~~

~~*Parcel* means a piece of land under either one (1) ownership; or under one (1) use; or a platted lot; or the land under one (1) development order or site plan; or a development using a common parking lot or a common building (such as a shopping center or strip mall).~~

~~*Permanent* means designed, constructed and intended for more than short term use.~~

~~*Planned unit development (PUD)* is an area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated and maintained as a single entity and containing one (1) or more residential clusters or planned unit residential developments, and one (1) or more public, quasi public, commercial, or industrial areas in such ranges or ratios of nonresidential uses to residential uses as specified in the ordinance.~~

~~*Political sign* is any sign erected for or against a candidate for city, county, state and federal office, and any sign for or against a ballot issue.~~

~~*Portable sign* means any sign which is manifestly designed to be transported by trailer or on its own wheels, including any such sign even though the wheels may be removed and the~~

~~remaining chassis or support structure converted to an A or T frame sign and attached temporarily or permanently to the ground. Any sign designed, used or intended for use on a bicycle or other human-powered vehicle while located upon a bicycle path.~~

~~*Projecting sign* means any sign which is affixed to any building wall or structure and extends more than twelve (12) inches horizontally from the plane of the building wall.~~

~~*Public access area* means a street or road right of way, bicycle path, beach, beach access, public access easement or waterway.~~

~~*Publicly owned areas* means any property owned or under the control of a public body, including, but not limited to, a street or road right of way, bicycle path, beach, beach access, waterway, or public access area.~~

~~*Readerboard signs* means a changeable copy sign whether automatic or manual.~~

~~*Real estate sign* means a temporary sign which is used to offer for sale, lease, or rental of the parcel upon which such sign is erected. For purposes of this chapter, an open house or a model home sign shall be considered a real estate sign.~~

~~*Right-of-way* means all of state, county, or town roads, alleyways or easements.~~

~~*Roof line* means the horizontal line which is the highest part of a roof.~~

~~*Roof sign* means any sign erected or constructed and maintained above the eaves and under the roof line of any building.~~

~~*Roof top sign* means a sign placed above the roof line of a building.~~

~~*Sandwich Board sign* means a sign joined at the top to form an inverted "V" with up to two sign faces totaling more than 12 square feet, and each sign face not more than 4 feet tall or 3 feet wide.~~

~~*Searchlight* is any apparatus designed to project a beam of light for the purpose of advertisement during hours of darkness.~~

~~*Service club sign* is any logo sign for a nationally recognized service organization. The logo is to be counted as part of permitted sign as to height and size.~~

~~*Sign* means any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to a object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures design, symbols, fixtures, colors, illumination or projected images.~~

~~*Sign face (sign plane)* means the part of a sign that is or may be used for copy.~~

~~*Sign face area (sign plane area)* means the area of any regular geometric shape (square, rectangle, parallelogram, triangle, circle, or semicircle) which contains the entire surface area of a sign upon which copy may be placed.~~

~~*Snipe sign* means any sign, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, or light, electric or telephone poles, fences, sticks or other objects, including attachment to permanent accessory signs or sign structures.~~

~~*Statutory sign* means signs required by a law of the county, the state, the United States Government or the town.~~

~~Street means a public or private right of way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways and boulevards.~~

~~Temporary sign is any mobile or portable sign or sign structure not securely attached to the ground or to any other structure. This definition shall not include trailer signs.~~

~~Trailer sign is any sign mounted on a vehicle normally licensed by the state as a trailer and used for advertising or promotional purposes.~~

~~Uniform traffic control sign means a sign which is in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices.~~

~~Unsafe sign is any sign that is not secure, in danger of falling or blown about, or otherwise unsafe in the opinion of the building official or town designee.~~

~~Vehicle sign is any vehicle with commercial signage utilized in a fashion that simulates an actual freestanding sign, and not being used for transportation.~~

~~Warning sign means a sign containing no advertising material, warning the public of the existence of danger, advising persons of conditions upon the premises, or warning persons to keep off the premises. Examples include, without limitation, dangerous condition signs, chemical advisories, premises security signs, "bad dog" signs, no trespassing signs, no solicitors signs, no parking signs, keep off grass signs, and the similar sign.~~

Section 154-15.34. Sign permits.

1. *Permit required.* To obtain town review and avoid expensive mistakes, all signs shall be required to comply with this code. Unless specifically exempt, no sign shall be placed, newly constructed, enlarged, or relocated in the Town of Lake Placid until a sign permit has been issued by the town.
2. Application and Permit fees. A permit fee of fifty dollars (\$50.00) shall be paid to the town clerk with each application for a sign permit. Applications for permits shall be submitted to the town clerk with an application fee as established by the town council.
 - a. Sign application contents. All applications for sign permits shall be made on the forms provided by the town and shall include the following:
 1. Name, address, telephone number, and signature of the owner or authorized agent of the premises granting permission for the sign;
 2. Name, address, telephone, and license number of the sign contractor;
 3. A description of the sign indicating the number, size, shape and dimensions of the sign;
 4. A schematic drawing of the site showing the proposed location of the sign in relation to nearby buildings and streets; and
 5. The number, in aggregate sign area, of signs on the premises (existing and proposed).

3. *Permit exemptions.* Permit exemptions are as follows:
 - a. A permit is not required for signs listed in this chapter as exempt from this sign ~~code ordinance~~. Confirmation of an exemption may be obtained by submitting an exception application. No fee shall be required to confirm an exemption.
 - b. In addition to any sign otherwise exempted, the changing of a face or normal and regular maintenance that does not alter the supports, structure or location of the sign, nor increases the sign area shall not require a permit.
4. *Other applicable codes.* No permit shall be issued until the proper officials determine that the application complies with the requirements of this chapter, and the proper officials determine that the sign will not violate the applicable building or electrical codes. A building permit from Highlands County may also be required ~~subject~~ as determined by the town's planning and zoning official.
5. *Permitting authority.* The town planning and zoning official shall act on all applications for a sign permit, a variance from the terms of this code, and exemptions requests, except as otherwise stated herein.
6. *Variations.* Variations for sign structure setback, height, face size, will be considered by the town planning and zoning official. Variance applications must be in writing and must show why the subject should be treated differently from others, and how the variance will not be detrimental to the public or give unfair advantage to the applicant. The variance may be granted in whole or in part or denied. Each variance shall be for the minimum deviation from this section as needed to equitably apply the stated purpose of this section.
7. *Appeals.* Decisions of the town planning and zoning official regarding this chapter may be appealed to the Lake Placid Town Council. Appeals must be in writing, state all supporting arguments, include all supporting evidence and be filed with the town clerk within thirty (30) days of the planning and zoning official's decision. Twenty (20) days' written notice of the appeal hearing must be given by the appellant to the owner of every parcel contiguous to the parcel upon which the appeal pertains. The notice shall include a complete copy of the appeal.
8. *Removal of illegal signs.* The code enforcement official (or such other town employee directed by the mayor) shall remove all illegal signs from public property immediately.
9. *Mandatory sign permit contents.* Every sign permit shall contain the following provision:

"The sign herein permitted must be operated and maintained according to the provisions of section 154-15 of the Code of the Town of Lake Placid. Specifically, the Town may require modification of the operation of the sign to assure safety and compliance with the Town Code, as amended from time to time."
10. *Expiration of permit.* A sign permit shall become null and void if the work for which the permit was issued has not been started within a period of six (6) months after the date of the issuance of the permit. Additionally, any work started, but discontinued for a period

greater than six (6) months shall cause the permit to become null and void.

Section 154-15.45. General requirements.

Unless otherwise provided in this chapter, the following requirements apply to all signs in the Town of Lake Placid:

A. Sign Area and Height Calculations.

1. *Wall sign area computation.* In computing sign area in square feet, standard mathematical forms for known common shapes will be used. Common shapes shall include squares, rectangles, cones, spheres, trapezoids, triangles, circles, ovals, cylinders and other simple forms for which surface area formulas are established. The area of a wall sign shall include the areas between all letters, logos and things within the signage so that all area within the perimeter of the sign shall be included. All words and components of a sign or related message shall be included as one (1) sign.
2. *Sign border calculation.* When signs are enclosed in a border or highlighted by background graphics, the perimeter of such border or background will be used to compute area.
3. *Deviations.* The town planning and zoning official shall have the discretion to make minor adjustments and/or deviations from the principles stated herein in order to assure that the reasonable intent of this section is fulfilled, that equality is achieved in the computation, and that reasonable advertising exposure is allowed.
4. *Double-face signs.* All surfaces of a double-face sign shall be equally sized back-to-back parallel faces in size and height and contained within a common perimeter. Only one side of a double-face sign shall be considered in computing square footage requirements for area limitations.
5. *Measurement of sign height.* The height of a sign shall be measured at the bottom from the finished grade of the parcel in the area of the sign (not from an artificially created mound) to the highest point of the sign.
6. *Logos.* Logos are to be counted as part of a permitted sign as to height and size.

B. Location.

- 5 1. *Roof line.* No sign attached to any building shall be located above the roof line of the portion of the building upon which it is situated.
- 6 2. *Right-of-way.* No sign, except those placed by an authorized governmental agency, shall be placed on the public right-of-way.

- 7 3. Traffic safety. No sign shall interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, or traffic marking or obstruct the sight distance of motorists or pedestrians.
4. In right-of-way. Supports for signs or sign structures shall not be placed in or upon a public right-of-way or public easement, except those placed by an authorized governmental agency.
5. Over right-of-way. No sign shall project over a public right-of-way, except those placed by an authorized governmental agency.
6. Blocking exits, fire escapes, etc. No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.
7. Setbacks. Ground, monument, and pole signs located along street frontages shall comply with all setback requirements.
8. No sign shall obstruct the sight distance triangle area as consistent with Town Code requirements.

C. General.

- 8 ~~Obscenity.~~ This sign ordinance does not regulate the content of the message of the sign. However, signs containing any statement, word, character or illustration of an obscene, indecent or immoral nature are prohibited.
9. ~~Maintenance.~~ All signs must be legible, well painted, in good repair and properly maintained. All signs must be sturdy enough to permit those persons working on the signs to do so safely.
- 10 1. Weather. All temporary signs that may be readily moved from place to place shall be moved to a secure location upon a warning of high winds or hurricane by the National Weather Service.
11. ~~Measurement of sign height.~~ The height of a sign shall be measured at the bottom from the finished grade of the parcel in the area of the sign (not from an artificially created mound) to the highest point of the sign.
12. ~~Compliance with building and electrical codes required.~~ All permanent signs and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the building and electrical codes adopted by the town.

13.

D. Illumination Standards.

(a)

1. Sign lighting may not be designed or located to cause confusion with traffic lights.

(b)(c)

2. Illumination by floodlights, spotlights, or unshielded bulbs is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets. This standard applies to sign illumination originating inside of business windows or sign illumination originating on signs which are outside. Lights used for external sign illumination shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign or over public space.

~~(d)~~

3. Lights used for external sign illumination shall be so designed as to concentrate the illumination upon the sign, and such lights shall not glare upon the street or upon adjacent property.

~~(e)~~

4. Unshielded lights used for external sign illumination ~~illuminated devices~~ that produce glare or are a hazard or a nuisance to motorists or occupants of adjacent properties are prohibited.

5. See Section 154-15.6, Specific signs, number 1, for changeable copy sign (automatic) illumination standards.

~~14. In right of way. Supports for signs or sign structures shall not be placed in or upon a public right of way or public easement.~~

~~15. Over right of way. No sign shall project over a public right of way.~~

~~16. Blocking exits, fire escapes, etc. No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.~~

~~17. Setbacks. Ground signs located along street frontages shall comply with all setback requirements.~~

Section 154-15.5.6. Specific signs.

The following provisions apply to the indicated type of sign:

~~1-A.~~ Changeable copy sign (automatic). On-premise, freestanding, changeable copy signs (automatic) shall only be allowed in the United States Highway 27 Sign District subject to compliance with all applicable requirements contained in this Sign Code and the following standards:

a. No more than one (1) changeable copy sign (automatic) shall be allowed per site.

b. Changeable copy signs (automatic) shall be allowed provided the copy is included within an allowed ground-mounted, monument, or pole sign, it does not constitute more than one-third of the allowed sign area of any one (1) side of the sign, and is architecturally integrated into the sign.

- c. Changeable copy signs (automatic) shall display static images only and the copy may be changed or re-presented only once every twenty-four (24) hours. The change of copy must be completed instantly. Other than change of copy, the changeable copy sign (automatic) shall not flicker, vary in light intensity or color, or otherwise violate section 154-15.7.
- d. Continuous scrolling and/or traveling, flashing, spinning, rotating and similar moving effects are prohibited.
- e. Changeable copy signs (automatic) located on properties along state and county highways may be subject to State and County sign and permitting requirements.
- f. All changeable copy signs (automatic) shall come equipped with automatic shut-off technology so that the display will go dark during sign malfunction.
- g. All changeable copy signs (automatic) shall comply with the building and Electrical Codes.
- h. Changeable copy signs (automatic) shall not be placed or illuminated so as to obscure or interfere with traffic control devices.
- i. All changeable copy signs (automatic) shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
- j. No changeable copy sign (automatic) shall exceed a brightness level of 0.3 foot candles above ambient light, as measured perpendicular to the face of a sign using a foot candle (Lux) meter at a preset distance in relation to sign area as follows:

**Table 154-15.6
Sign Area Vs. Measurement Distance**

<u>Area of Sign (Sq. Ft.)</u>	<u>Distance Measurement (Feet)</u>
<u>10</u>	<u>32</u>
<u>15</u>	<u>39</u>
<u>20</u>	<u>45</u>
<u>25</u>	<u>50</u>
<u>30</u>	<u>55</u>
<u>35</u>	<u>59</u>
<u>40</u>	<u>63</u>
<u>45</u>	<u>67</u>
<u>50</u>	<u>71</u>
<u>55</u>	<u>74</u>
<u>60</u>	<u>77</u>
<u>65</u>	<u>81</u>
<u>70</u>	<u>84</u>
<u>75</u>	<u>87</u>
<u>80</u>	<u>89</u>
<u>85</u>	<u>92</u>
<u>90</u>	<u>95</u>
<u>95</u>	<u>97</u>
<u>100</u>	<u>100</u>
<u>120</u>	<u>110</u>
<u>130</u>	<u>114</u>

*For signs with an area in square feet other than those specifically listed in the table (e.g., 12 sq. ft., 200 sq. ft., etc.) the measurement distance may be calculated with the following formula: Measurement Distance = $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$. (Source: **International Sign Association (ISA), Recommended Night-Time Brightness Levels for On-Premise Electronic Message Centers (EMC's). A Compilation Summary with Extracts from Industry Reports, April 2011.**)*

1. B. ~~Readerboards. Readerboards or price signs with removable copy may be allowed~~ Changeable Copy Sign (Manual). No more than one (1) ~~with removable on-premise, freestanding, changeable copy sign (manual)~~ shall be allowed per site and only within the United States Highway 27 Sign District. Such signs shall be allowed ~~providing~~ provided the ~~readerboard copy~~ is included within an allowed freestanding sign, it does not constitute more than one-third of the allowed sign area of any one (1) side of the sign, and is architecturally integrated into the sign.

~~Such readerboards may consist of a changeable copy sign (automatic) as described in section 154-15.2 of this code. However, the copy may be changed or re-presented only once every~~

twenty-four (24) hours. The change of copy must be completed instantly. Other than change of copy, the changeable copy sign (automatic) shall not flicker, vary in light intensity or color, or otherwise violate section 154-15.6.

- C. Menu boards. A maximum of two (2) on-premise, permanent, freestanding, menu boards of no more than thirty-six (36) square feet each shall be allowed for drive-thru facilities. Such signs shall not exceed six (6) feet in height and shall be located adjacent to, or oriented toward, the drive-thru area. The square footage for menu boards shall not count towards, or be included in sign area requirements.
- ~~2. Residential occupation signs. Authorized home-based occupations may have a sign, not to exceed three (3) square feet, which shall be mounted flat against the residence, and shall comply with all requirements of this code.~~
3. D. Public Events permits. Public Events not advertising any single business may be issued directional signs, parking signs and event signs. An event sign plan showing all signs to be used shall be submitted to the chief of police for approval and permitting. Additional requirements may be established by Town Council Resolution or by the permit process.
4. ~~Time and temperature signs. A reasonable time and temperature sign may be included within the sign face of a permitted sign.~~
5. E. Community projects and contributions service. The Town Council upon application submitted to and recommendation of the Town's planning and zoning official ~~Director~~, may by resolution allow signs recognizing projects and contributions benefiting and contributions to the Town of civic organizations and the charitable contributions to the town of residents and businesses. These signs shall be uniform in style and shall not exceed be less than two (2) square feet each, less than and shall be no more than three (3) feet above grade and uniform in style. The location of the sign should reasonably relate to the respective contribution.
6. F. Welcome signs. The existing welcome signs maintained by the Chamber are hereby permitted in their current form. Those signs may be modified upon and after Town Council approval by resolution.
7. G. Town Shopping District. The Greater Lake Placid Chamber of Commerce in cooperation with Keep Lake Placid Beautiful may obtain or otherwise erect and landscape two (2) signs; one (1) sign facing each travel lane of U.S. 27 (after required permitting), generally directing travelers to Uptown Lake Placid and the Welcome Center. The specific design shall be subject to the Town Council's approval.
- H. Banners. Banners shall only be allowed consistent with Section 154-15.6 (community event banner), Section 154-15.8 (one-time display {event}), and 154-15.15, Lake Placid Regional Plan Sign District (community events), 154-15.18.2 (post disaster signage). No temporary banner sign shall exceed fifteen (15) square feet in a residential zone, and forty-eight (48) square feet in a non-residential zone.

8. I. Community event banner. A community event is one pertaining to recreational events, sporting events, events promoting a local industry (but not a particular business), concerts, noncommercial events and held primarily on public property and within the Greater Lake Placid area. Community events shall be open to the general public and may charge an admission fee. Banners for community events may be allowed by permit issued by the Town Council for the day(s) of the community event, and up to twenty-one (21) days leading up to the community event. Conditions of the permit shall include: At least one million dollars (\$1,000,000.00) of public liability insurance coverage related to the banner; indemnification by the event sponsor (including at least one (1) live person) for claims related to the banner; up to twenty-eight (28) days of display; a rendering to scale of the banner contents; description of the banner's proposed dimension and materials; and the specific location of the banner. Banner locations shall be approved by resolution of the Town Council, and if across a county road, shall be approved by the county engineer. Additional requirements may be included in the permit or by council resolution.
- J. Sandwich Board signs. Entities owning or leasing a parcel of land in the Town (in any sign district) with a business situated thereon may place a single Sandwich Board sign on the property owned or leased by the said entity. Sandwich Board signs may only be displayed outside of the business when the business is open; shall be secured inside of the business at all other times; and shall not contain flags, lights, banners, or sound. There may be only one Sandwich Board sign per building.

A Sandwich Board sign shall not be placed on public property (including without limitation, streets, alleyways, parking and sidewalks). Sandwich Board signs shall be well maintained and shall consist of good quality materials that are safe and have no protruding or sharp edges that are a danger to the public.

K. Temporary freestanding signs. Temporary freestanding signs shall be allowed in all sign districts and shall comply with the following requirements:

1. Generally.

- a. Temporary signs shall not be allowed as permanent signage and may not be illuminated.
- b. One (1) additional temporary sign, not to exceed the square footage requirements provided in number 2., Dimensional Requirements, below, is allowed for a parcel that has no permanent sign, provided that such sign is not displayed for a period of more than 60 days or until installation of the permanent sign, whichever occurs first.

2. Dimensional Requirements.

- a. The square footage of a temporary sign shall not be included in the calculation of the total sign area allowance for a parcel.

- b. A parcel may display temporary signs with an aggregate sign area of up to twelve (12) square feet.
- c. Parcels of two (2) or more acres and multiple tenants (e.g., strip shopping centers or strip malls) shall be permitted temporary signs not to exceed 16 square feet of aggregate sign area for the parcel. The owner of the strip shopping center or mall shall be responsible for any penalties accrued for non-compliance by the tenants.
- d. Temporary signs shall not exceed six (6) feet in height.
- e. Temporary signs shall have a minimum five (5) foot setback from the property line.

3. Duration.

Temporary signs shall be removed within seven (7) calendar days after the end of the scheduled occurrence or purpose to which it relates.

4. Maintenance.

Temporary signs are subject to the standards provided in Section 154-15.9, Construction and Maintenance Standards.

Section 154-15.6 7. Prohibited signs and violations.

The following signs are prohibited, constitute a violation of this code, and shall not be permitted, erected or allowed by variance in the Town of Lake Placid, Florida:

A. Prohibited Signs; Generally.

Any sign not specifically permitted by these sign regulations is prohibited.

B. Prohibited Signs; Specifically.

Unless otherwise permitted, the following signs are prohibited and no variance shall be granted which would authorize same.

- 1. Abandoned signs. Abandoned signs shall be removed by the property owner. In determining whether a sign is abandoned, the following factors, among other factors shall be considered, to wit: The existence of a current occupational license; utilities service deposit at that location; use of the premises and relocation of a business. Signage shall be presumed (a rebuttable presumption) abandoned if the business advertised is closed for sixty (60) consecutive days.
- 2. Signs on public right-of-way, unless otherwise expressly permitted by this Code. ~~Signs placed on public right-of-way or town property without approval of Town Council or authorized public agency.~~

3. Billboards. Billboards, whether off-premises or on-premises.
4. Bus stop signs. Signs placed upon, or attached to, bus stop shelters signs and benches. signs.
5. Signs with moving lights. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color, running, visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except as otherwise expressly permitted by this Code for public service signs. ~~except for time-temperature date signs and traditional barber poles are prohibited.~~ This includes signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
6. Hazardous signs. No sign shall be erected in such a manner as to obstruct the vision of pedestrians or drivers. ~~Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color, running, visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means except for time-temperature date signs and traditional barber poles are prohibited.~~ This includes signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy. Any sign, which by glare, or methods of illumination or intensity, constitutes a hazard to traffic, is prohibited. No sign may use the words, phrases, symbols, or characters in such a manner as to interfere with traffic, mislead or confuse drivers or pedestrians. Signs may not create a visual impairment for motorists.
7. Parasite signs. ~~Flashing neon signs.~~
8. Laser-lights.
9. Off-premises signs.
10. Portable signs ~~except for Sandwich Board signs.~~
- ~~11. Sandwich signs.~~
- ~~12. 11.~~ Searchlights.
- ~~13. Temporary signs.~~ Temporary signs, unless approved by the town.
- ~~14. 12.~~ Trailer signs.
- ~~15. 13.~~ Unsafe signs. The owner (person) or firm maintaining an unsafe sign shall, upon written notice from the town, secure the sign in a manner to be approved by the planning and zoning official in conformity with the provisions of this code or remove the sign. If such notice is not complied with within eight (8) days, the code enforcement officer or his designee shall have the sign removed at the expense of the owner.

- 16.14. Wind signs.
17. ~~15.~~ Banners. Banners are prohibited, as except as otherwise expressly permitted by this Code herein specifically authorized.
18. ~~16.~~ Animated signs, except as otherwise expressly permitted by this Code ~~for public service signs.~~
19. ~~17.~~ Flying things. Signs containing flying paraphernalia.
20. ~~18.~~ Noise signs. Signs which produce noise or sound capable of being heard even though the sounds produced are not understandable sounds.
- 21.19. Emissions. Signs which emit visible smoke, vapor, particles, or odor.
22. ~~20.~~ Communication interference signs. Signs with any lighting or control mechanism which causes radio or television or other communication interference.
23. ~~21.~~ Motion pictures. Motion picture mechanism in conjunction with any outdoor advertising structure, accessory sign, or advertising statuary used in such a manner as to permit or allow the images to be visible from any public street or sidewalk.
24. ~~22.~~ Unsafe fixtures. Signs erected, constructed, or maintained so as to obstruct, or be attached to any firefighting equipment, window, door, or opening used as a means of ingress or egress or for firefighting purposes, or placed so as to interfere with any opening required for proper light and ventilation.
25. ~~23.~~ ~~Snipe signs. Natural features. Signs, except posted property signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.~~
26. ~~24.~~ Vehicle signs. Signs attached to or painted onto a vehicle parked on a public thoroughfare for the sole purpose of advertising.
25. Obscenity. This sign ordinance does not regulate the content of the message of the sign. However, signs containing any statement, word, character or illustration of an obscene, indecent or immoral nature that are not protected by the First Amendment of the United States and Article I §4 of the Constitution of the State of Florida are prohibited.
26. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, sidewalk or street, except house numbers and traffic control signs.
27. Blade signs.
- ~~25. Violation. It is a violation of this code for property owners, tenants or occupants of property to maintain, install or allow a sign which is not permitted, exempt from the permit requirements of this code, or otherwise in compliance with this code, to be on property which they own, lease or otherwise occupy.~~

Section 154-15.7 8. Exemptions from permit requirements.

The following signs may be erected without a permit in any sign district, subject, however, to all remaining requirements of these regulations:

- ~~1. Occupation signs. One (1) occupation sign which does not exceed two (2) square feet denoting only the name, street, number, and business of any occupation may be affixed to any building or dwelling.~~
- ~~2. Memorial signs. One (1) memorial sign or table which does not exceed two (2) square feet and stating the name and date of erection of building when cut into a masonry surface or when constructed of bronze or other noncombustible materials.~~
- A. Tablet signs. One (1) tablet sign per building, not exceeding two (2) square feet in area, when cut into any masonry surface, or when constructed of bronze or other durable material and attached to the surface of a building. No tablet sign shall be mounted at a height greater than six (6) feet from the ground or sidewalk to the bottom of the sign.
- B. Public purpose, service, and/or safety signs. Any public purpose, service, and/or safety sign, including regulatory signs and any other notice or warning signs required by Local, State, or Federal Government law, ordinance, regulation or resolution. Governmental signs. Traffic or other municipal, county, state or federal signs, legal notices, railroad crossing signs, danger signs and such temporary, emergency, or non-advertising signs as may be approved by the mayor or police chief.
- C. On-premise signs. On-premises signs, which do not exceed two (2) square feet in area.
- ~~4. Identification signs. Identification signs at the entrance drive of residences, estates, and ranches, which do not exceed two (2) square feet.~~
5. D. Directional and notice signs. Non-advertising Directional and notice signs or symbols; ("Entrance", "Exit", "Slow", "Caution", "No Trespassing", "Bad Dog", "Posted", "Keep Out", etc.) located on and pertaining to a parcel of private property, each not to exceed two (2) square feet.
- E. Temporary signs. Temporary signs consistent with this sign code.
- F. Signs incorporated into machinery or equipment. Signs incorporated into machinery or equipment by a manufacturer or distributor.
- G. Signs carried by a person. Signs held by a person and less than six (6) square feet.
- H. Flags. Flags where the aggregate sign area of such flags shall not count as chargeable square footage, provided that the number and size of such flags and flagpole are consistent with Florida Statutes, Chapter 720.

- I. Street numbers. Street address numbers are assigned by the county's emergency management office (911) and are required for all buildings and are exempt from this code.
- J. Window signs. Signs up to a total area of fifty percent (50%) (one hundred percent (100%) in the Traditional District) of the window space may be displayed inside of a building's window. Side or rear windows cannot be used to calculate allowable window signs on the front.
- K. School signs. The Highlands County School Board shall have exclusive jurisdiction over signage on school board property, provided that signs with commercial message shall not be visible from a public street (except Green Dragon Drive).
- L. Murals. Murals consisting of original, painted, artwork. ~~murals containing artwork and no commercial message.~~
- M. One-time display (event) signs. All non-residential uses may display one-time display (event) signs once during the lifetime of the non-residential use for a period of up to thirty (30) consecutive calendar days. Signs may include banners and other allowable temporary signs, and the aggregate sign area of such signs shall not exceed two hundred (200) square feet.

~~Grand opening signs. A new business may display grand opening signs for a period of up to thirty (30) consecutive calendar days, within the first sixty (60) days that the new business is open to the public. The grand opening Signs may include flags, banners, canopy signs, roof signs, building signs, and temporary pole signs.~~

- N. Signs located on or within public or semi-public athletic fields. Signs located on or within public or semi-public athletic fields shall only be affixed to scoreboards, buildings, or structures facing the field.
- ~~6. Approved changes. Message and color changes of approved existing signs not involving structural changes.~~
- ~~7. Garage sale signs. One (1) garage sale sign on the parcel having the garage sale. The sign shall not exceed four (4) square feet in area and is no more than four (4) feet in height. The sign may be erected the day before and the day of, but shall be removed within twenty four (24) hours of the sale's end.~~
- ~~8. Holiday displays. Holiday displays and signs without commercial content on private lands.~~
- ~~9. Miscellaneous signs. Non-advertising signs which do not exceed two (2) square feet showing reserved parking spaces, vending machines, gasoline pumps, telephone booths, newspaper racks, "take-out" or "pick-up" windows and menus posted for reading in drive-in restaurant parking lots. Brand names or logo may be used.~~

10. ~~Delivery signs. A sign identifying the business on the back wall of a building in a delivery area is allowed; provided the sign area does not exceed five (5) square feet.~~
11. ~~Political signs. Political signs may be erected on private property by persons who have lawfully qualified as candidates. Said political signs may remain erected five (5) days after the last election in which the candidate is entered. Each sign shall not exceed sixteen (16) square feet in commercial, agricultural and industrial zones, four (4) square feet in residential zones.~~
12. ~~Real estate signs. On tracts of two (2) acres or less, one (1) sign, not to exceed six (6) square feet in area shall be permitted. On tracts larger than two (2) acres, one (1) sign which shall not exceed sixteen (16) square feet. Said signs must be removed within three (3) days of the closing.~~
13. ~~Street numbers. Street address numbers are assigned by the county's emergency management office (911) and are required for all buildings and are exempt from this code.~~
14. ~~Construction signs. The general contractor on a construction project may erect one (1) sign denoting a construction site on a parcel of land containing improvements under construction. The sign may remain three (3) days after the certificate of occupancy is issued. Otherwise the construction sign may be displayed only when a building permit has been issued and the construction has commenced. The construction signs shall not exceed twelve (12) square feet. No other construction signs shall be allowed.~~
15. ~~Window signs. Signs up to a total area of fifty percent (50%) (one hundred percent (100%) in the Traditional District) of the window space may be displayed inside of a building's window. Side or rear windows cannot be used to calculate allowable window signs on the front.~~
16. ~~School signs. The Highlands County School Board shall have exclusive jurisdiction over signage on school board property, provided that signs with commercial message shall not be visible from a public street (except Green Dragon Drive).~~
17. ~~Murals. Murals containing artwork and no commercial message.~~
18. ~~Hand held signs. Signs held by a person and less than six (6) square feet.~~
19. ~~Grand opening signs. A new business may display grand opening signs for a period of up to thirty (30) consecutive calendar days, within the first sixty (60) days that the new business is open to the public. The grand opening Signs may include flags, banners, canopy signs, roof signs, building signs, and temporary pole signs.~~

Section 154-15.8 9. Reserved. Construction and Maintenance Standards.

All signs shall be constructed and maintained in accordance with the following standards, and no Certificate of Occupancy shall be issued for a building unless permitted signs have conformed to these standards.

- A. All permanent signs shall be constructed and maintained in accordance with the provisions and requirements of the Florida Building Code, as adopted by the Town of Lake Placid, the National Electrical Code, or the currently prevailing Electrical Code, and all other applicable codes, ordinances or requirements. Where inconsistency exists between these sign regulations and applicable codes, the more restrictive requirement shall apply.
- B. All signs must be sturdy enough to permit those persons working on the signs to do so safely.
- C. With the exception of signs consisting of a chalkboard surface, dry erase marker board (whiteboard), or a comparable type surface, all copy shall be commercially produced or consist of professionally lettered typeface. All copy shall be maintained and legible.
- D. All signs shall be maintained and it shall be the responsibility of the sign owner for sign maintenance.
- E. Damaged or faded sign faces, or structural members shall be repaired, replaced or removed within thirty (30) calendar days unless given a time extension by the Town Administrator, or his or her designee. If said faces or structural members become insecure or in danger of falling, in disrepair or deteriorated, or otherwise unsafe in the opinion of the Code Enforcement Officer or the Town Building Official, they shall be removed in accordance with the requirements provided in Section 154-15.17.2 for unsafe signs.
- F. Electrical systems, fasteners, and the sign and structure as a whole shall be maintained at all times in a safe condition.

Section 154-15.8-1 10. Nonconforming signs.

~~Nonconforming signs erected prior to 31 December 2004 shall be removed, relocated or otherwise dealt with according to F.S. § 70.20.~~

It is the intent of this Section to allow certain non-conforming signs permitted through the Building Department before the adoption of this Chapter to continue until they are no longer used, or become hazardous, but not to encourage their non-conforming status. Such signs are hereby declared to be incompatible with the overall intent of this Chapter.

Section 154-15.10.1. Removal of Non-Conforming Signs.

All non-conforming and non-permitted signs, except as provided herein, shall be removed immediately or as otherwise provided under Section 154-15.10 of this Chapter.

Section 154-15.10.2. Continuance of Non-Conforming Signs.

A non-conforming sign use may be continued, subject to the following provisions:

- A. A non-conforming sign shall not be enlarged or increased in any way from its existing size at the time of the adoption of this sign code.
- B. Non-conforming signs or sign structures that are defined as abandoned signs under this sign code shall not be permitted for reuse.
- C. There may be a change of tenancy or ownership of a non-conforming sign without the loss of non-conforming status, if the property sign is not abandoned as defined in this Chapter.

Section 154-15.10.3. Repairs, Maintenance and Improvements.

Normal repairs, maintenance and improvements may be made however, the cost of such improvements made during a two (2) year period shall not exceed fifty percent (50%) of the replacement cost of the sign at the end of the two (2) year period.

Section 154-15.10.4. Reconstruction after Catastrophe.

If any non-conforming sign is damaged by fire, flood, explosion, collapse, wind, war, or other catastrophe to such an extent that the cost of repair and reconstruction will exceed fifty percent (50%) of the replacement cost at the time of damage, it shall not be used or reconstructed except in full conformity with the provisions of this Chapter.

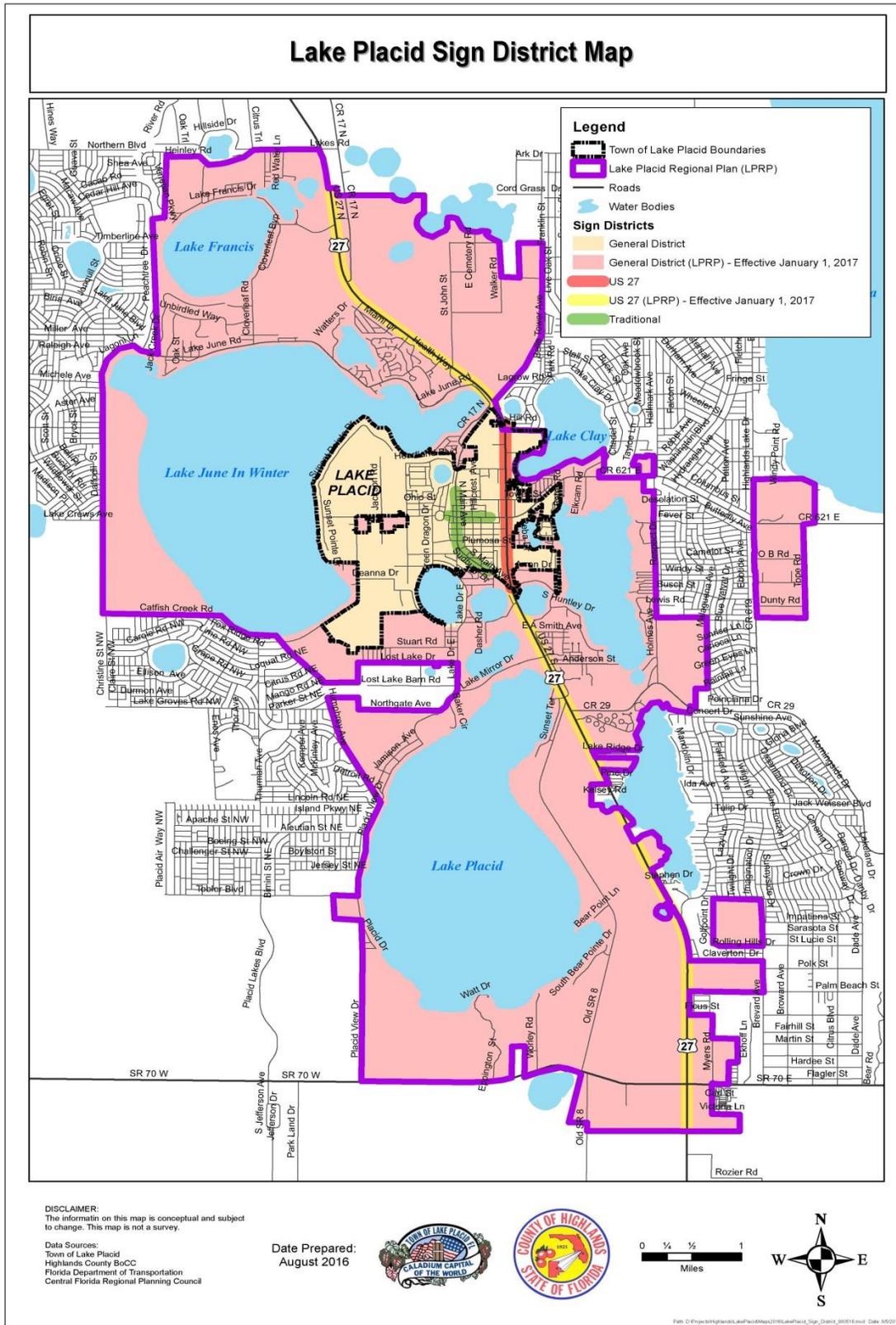
Section 154-15.10.5. Casual, Temporary or Illegal Use.

The casual, temporary or illegal use of any sign shall not be sufficient to establish the existence of a non-conforming use or to create any rights in the continuance of such use.

Section 154-15.9 11. Sign districts.

The Town of Lake Placid hereby establishes and divides its jurisdiction into the hereinafter setout sign districts with the following specific regulations applicable in each district. Every parcel of property with any frontage on the street designated as a separate district shall comply with the hereinafter established regulations for that district. The balance of the town is considered to be in the General District.

Map of Sign Districts



- A. Traditional District. This district shall consist of every parcel with any frontage on either of the following roads:
 - 1. North Main Street from Interlake Boulevard North to Lakeview Street; and
 - 2. Interlake Boulevard from the west boundary of the South Florida State College on the south side of Interlake Boulevard and the west line of the School Board lands on the north side of Interlake Boulevard both running west to the railroad tracks; and
 - 3. South Main Street from Interlake Boulevard South to the southerly town limits.
- B. United States Highway 27 District. This district shall consist of non-residential every parcels having with frontage on United States Highway 27 including within the Lake Placid Regional Plan. Properties within the Lake Placid Regional Plan District shall also comply with Lake Placid Regional Plan District regulations for signs.
- C. General District. This district shall consist of all other parcels within the Town of Lake Placid not included in another sign district including within the Lake Placid Regional Plan. Properties within the Lake Placid Regional Plan District shall also comply with Lake Placid Regional Plan District regulations for signs.
- D. Lake Placid Regional Plan District (US 27 and General). This district shall consist of parcels outside of the Town limits as of January 1, 2017, that are located within the LPRP. The U.S. 27 Sign District regulations shall apply to non-residential parcels with frontage on US 27.

Section 154-15.10 12. General Sign District.

The General Sign District consists of every parcel within the Town of Lake Placid ~~and that is~~ not contained in another sign district. The following signage is permitted in this district, and the following sign development standards are also provided in Table 154-15.16 (A). Unless otherwise expressly permitted by this sign code, all other signage is prohibited in this district.

- 1.
 - A. Ground-mounted and monument signs. Ground-mounted and monument signs are permitted in the district. Illumination (if provided) shall be light fixtures mounted on the subject sign or indirectly from lights mounted near the sign. The maximum height of a ~~pole sign, ground-mounted and monument signs or freestanding sign~~ in this district shall not exceed six (6) feet. Said ground-mounted signs may have two (2) sign faces, each up to sixty (60) square feet.
 - 2.
 - B. Building signs. Signs on buildings are permitted within this district. Each parcel may have either one (1) sign on the building wall or mansard roof (but not sloped roof) containing up to but not more than thirty (30) percent of the respective wall or thirty (30) percent of the face of the respective roof.
 - 3.
 - C. Additional signage. Additional building signage (three (3) signs up to ten (10) square feet

each)-may be used on awnings, doors, canopies, marquees and windows.

Section 154-15.13. United States Highway 27 Sign District.

The United States Highway 27 Sign District consists of every non-residential parcel with any frontage on United States Highway 27. The following signage is permitted in this district and the following sign development standards are also provided in Table 154-15.16 (B). Unless otherwise expressly permitted by this sign code, all other signage is prohibited in this district:

1. A. Awning sign. Awning signs as herein defined are permitted in this district. An awning sign built in accordance with the Standard Building Code and so as not to interfere with safe vehicle traffic flow shall be permitted, ~~but~~ and shall count in allowable signage for the building. ~~No awning shall extend on or over public property, unless authorized by resolution of the Town Council. Such must identify the scope of encroachment and may be for no more than five (5) years, but may not be renewed.~~
3. B. Mansard roof signs. Mansard roof signs as herein defined are permitted in this district. Mansard roof signs and sign structures shall not extend beyond the roof. Mansard roof signs shall extend no more than twenty-four (24) feet above ground, and shall be no more than thirty (30) percent of the road front roof face upon which it is situated.
4. C. Wall sign. Each business is entitled to signage on the front wall of its building and on any side wall which faces a public street or platted lot not containing another building (but must be removed without amortization upon issuance of a building certificate of occupancy on the said adjacent lot). The sign may occupy up to thirty (30) percent of the respective wall. Signage and graphics may not extend beyond the wall surface (top or sides).

No wall sign or supporting structure shall project more than twelve (12) inches horizontally from the wall of the building. Where an exterior parapet wall projects above the roof line, such signs may extend to the top of such wall. However, no wall sign shall extend more than twenty-four (24) feet above ground level to the top of the sign, nor above the roof line.

6. D. Maximum total building signage. The total signage allowed on one (1) building (wall, roof and additional building signage) shall not exceed one (1) square foot of signage for each linear foot of building frontage, for each street frontage (up to three (3) street frontages). The square foot signage shall be restricted to the street the signage fronts. Signs fronting two (2) streets shall count in both.



Example Building Signage

2. E. Ground-mounted, monument or pole signs. Ground-mounted, monument or pole signs as herein defined are permitted in this district. A ground-mounted, monument or pole sign shall only be permitted when the lot upon which it is to be placed has a minimum of sixty (60) linear feet of road frontage. No ground-mounted, monument or pole sign shall be erected closer than forty (40) feet to any other ground-mounted, monument, or pole sign, except where the locations of existing ground-mounted, monument or pole signs on adjacent lots would make this requirement impossible to meet. No part of any sign shall extend beyond any right-of-way line or building restriction line. Any such ground-mounted, monument, or pole sign may have two (2) faces. The maximum allowable area for each face shall be one hundred twenty-five (125) square feet of sign area with a maximum height of twenty-four (24) feet.

8. F. ~~Readerboards. Readerboards or price~~ One (1) changeable copy sign (manual) or one (1) changeable copy sign (automatic) ~~Signs with removable copy,~~ may be allowed per site providing the ~~readerboard~~ copy is included within an ~~allowed~~ permitted monument sign, it does not constitute more than one-third of the allowed sign area of any one (1) side of the sign, and it is architecturally integrated into the sign. Section 154-15.6 of this code provides specific standards for changeable copy signs.

~~Such readerboards may consist of a changeable copy sign (automatic) as described in section 154-15.2 of this code. However, the copy may be changed or re-presented only once every twenty four (24) hours. The change of copy must be completed instantly. Other than change of copy, the changeable copy sign (automatic) shall not flicker, vary in light intensity or color, or otherwise violate section 154-15.6.~~

***Comment:** Deleted the reference to readerboard and replaced with “changeable copy”. Deleted existing text referring to changeable copy sign (automatic) since it is provided in Sec. 154-15.6*

5. G. Shopping center ground-mounted and monument signs. Ground-mounted and monument signs for shopping centers must be approved by the local planning agency LPA. Each shopping center or strip mall is allowed one (1) sign for each road frontage contiguous to the shopping center parcel. Each sign should be no more than twenty-four (24) feet tall with a sign face of up to one hundred twenty-five (125) square feet. A solid support structure (not mere poles) devoid of signage and lighting may not be counted as sign face.

7. H. Multiple advertisers. Shopping centers with more than five (5) separate stores may petition the local planning agency for up to two hundred (200) square feet of sign face on each sign side. A maximum of one (1) changeable copy sign (manual or automatic) may be permitted per site.

Section 154-15.~~12~~ 14. Traditional District.

The Traditional District consists of every parcel with any frontage on ~~either~~ any of the following roads. The following sign development standards are also provided in Table 154-15.16 (C).

- A. North Main Street from Interlake Boulevard North to Lakeview Street; and
- B. Interlake Boulevard West of the South Florida State College on the south side of Interlake Boulevard and west of the school board lands on the north side of Interlake Boulevard both running west to the railroad tracks; and
- C. South Main Street from Interlake Boulevard South to the southerly town limits.

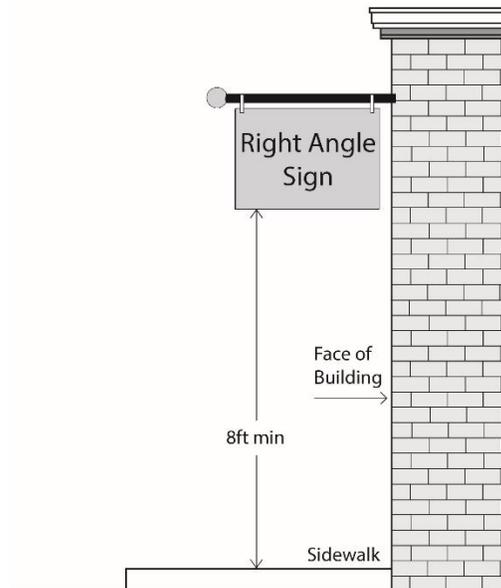
The following signs are permitted in this district. Unless otherwise expressly permitted by this sign code, all other signage is prohibited in this district.

- 1. Awning sign. An awning sign built in accordance with the Standard Building Code and so as not to interfere with safe vehicle traffic flow shall be permitted, ~~but~~ and shall count in allowable signage for the building. No awning shall extend on or over public property, unless authorized by resolution of the Town Council. Such must identify the scope of encroachment and may be for no more than ten (10) years.
- 2. Ground-mounted, monument or pole signs. A ground-mounted, monument or pole sign as herein defined shall be allowed in this district and shall only be permitted when the lot upon which it is to be placed has a minimum of forty (40) linear feet of frontage. No ground-mounted, monument or pole sign shall be erected closer than forty (40) feet to any other ground-mounted, monument or pole sign, except where the locations of existing ground-mounted, monument or pole signs on adjacent lots would make this requirement impossible to meet. No part of any sign shall extend beyond any right-of-way line, nor shall any part of any sign project beyond any building restriction (setback) line. Any such ground-mounted, monument, or pole sign may have two (2) faces. The maximum allowable area for each face shall be thirty-five (35) square feet of sign area with a maximum height of twelve (12) feet.
- 3. Mansard roof signs. Mansard roof signs as herein defined are permitted in this district. No part of any roof sign or sign structure shall project beyond the roof upon which it sits. Roof signs shall extend no more than twenty-four (24) feet above ground. The sign may occupy up to thirty (30) percent of the mansard roof face upon which it is situated.

4. Wall sign. Each business is entitled to signage on the front wall of its building and on any side wall which faces a public street. The sign may occupy up to thirty (30) percent of the respective wall. Signage may not extend beyond the wall surface (top or sides).

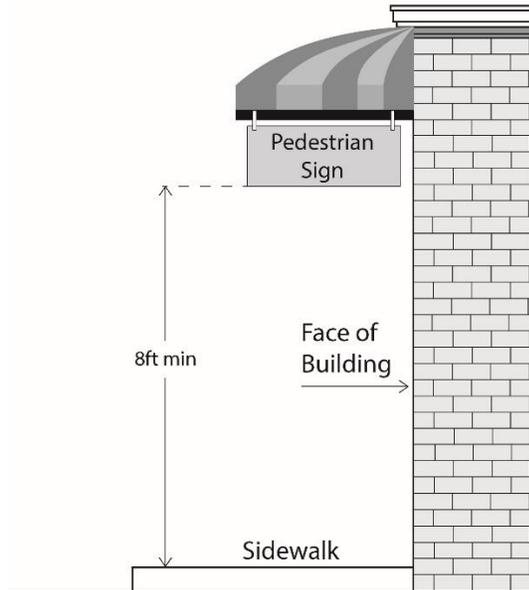
No wall sign or supporting structure shall project more than twelve (12) inches horizontally from the wall of the building. Where an exterior parapet wall projects above the roof line, such signs may extend to the top of such wall. However, no wall sign shall extend more than twenty-four (24) feet above ground level to the top of the sign, nor above the roof line.

5. Right-angle sign. A business located on a public sidewalk may display one (1) right-angle sign (containing two (2) sides with six (6) square feet of sign face each) for each street faced. The sign must also:
 - a. Not extend over the public property, unless authorized by resolution of Town Council as a permitted encroachment. The resolution may permit the encroachment up to five (5) years (it may be renewed), and must include the following terms: The sign must clear the sidewalk by at least eight (8) feet in height and project no more than five (5) feet from the building or one-half the width of the sidewalk, whichever is less;
 - b. Project from the wall at an angle of ninety (90°) degrees;
 - c. Not be higher than the window sill of the second story;
 - d. Not project at the corner of the building except at a building front;
 - e. Not be displayed closer than thirty (30) feet from any other right-angle sign;
 - f. Not be used if the business has a ground-mounted sign on the same frontage; and
 - g. Not contain more than six (6) square feet on each of two (2) faces.



Example Right Angle Sign

6. Pedestrian signs. If any part of the building overhangs a public sidewalk, a business shall be entitled to an additional sign to be hung from the overhang which shall not be lower than eight (8) feet from the sidewalk. It may contain up to three (3) square feet of sign face on each side.



Example Pedestrian Sign

~~Section 154-15.13. Severability.~~

~~If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.~~

Section 154-15.15. Lake Placid Regional Plan Sign District.

The Lake Placid Regional Plan (LPRP) Sign District consists of every parcel within the area outside of the Town limits as of January 1, 2017, that is located within the Lake Placid Regional Plan.

The U.S. 27 District regulations shall apply to non-residential parcels with frontage on U.S. 27. The following signage is permitted in this district. Signs in place prior January 1, 2017 are grandfathered to the extent of their current lease.

The following regulations apply throughout the Lake Placid Regional Plan District in addition to regulations in the US 27 District and the General District.

A. Small Directional Off-Premise Signs.

Small directional off-premise signs without commercial content shall be permitted.

1. Such signs shall not exceed two (2) square feet.
2. No more than two (2) signs shall be permitted and shall be located within a one and one half (1½) mile radius of the geographic center of the property referenced on said sign.

B. Sign Height.

Sign height in the LPRP Sign District shall not exceed eight (8) feet.

C. Sign Face Area.

Sign face area in the LPRP Sign District shall not exceed sixty-four (64) square feet.

D. Animated Signs/Signs with Moving Lights.

Animated signs ~~or~~ and signs with lights or illuminations that flash, ~~move~~, rotate, scintillate, blink, flicker, or vary in intensity or color are prohibited, except as otherwise expressly permitted by this Code.

E. Portable Signs.

Portable signs are prohibited in the LPRP Sign District.

F. Community and Public Events.

Banners, and other attractors are prohibited within public right-of-way with the exception of those placed by local government to announce upcoming community and public events consistent with Section 154-15.6.

G. One-Time Event Signs.

An event may display one-time event signs for a period of up to thirty (30) consecutive calendar days, within the first sixty (60) days of the event, up to four (4) times per year. Signs may include banners and other allowable signs, and the aggregate sign area of such signs shall not exceed two hundred (200) square feet.

H. Monument Signs.

Monument signs rather than pole signs and ground signs are permitted to create a pedestrian scale signage and to allow for uniform signage throughout this District.

154-15.16. Table of Sign Development Requirements by Sign District.

Comment: New standard for maximum height for mansard roof sign in General Sign District is consistent with existing standard in US Highway 27 district.

154-15.16.(A) Table of Sign Development Requirements for the General Sign District.

**General Sign District
(Cross Reference Section 154-15.12)**

Permanent Freestanding Signs (Ground-Mounted, Monument)				Building/Wall Signs		Mansard Roof Signs ¹		
<u>Max. Number of Signs on Road Frontage Per Site</u>	<u>Max. Number of Sign Faces</u>	<u>Max. Area Per Each Sign Face (sq. ft.)</u>	<u>Max. Sign Height (feet)</u>	<u>Max. Number of Signs Allowed</u>	<u>Maximum Sign Area Allowed</u>	<u>Max. Number of Signs Allowed</u>	<u>Max. Height Above Ground Level</u>	<u>Max. % Area Allowed</u>
<u>1</u>	2	60	6'	1 ²	30% of respective wall	1 ³	<u>24'</u>	30% of face of respective roof

Note:

Additional building signage (three (3) signs up to 10 square feet each) may be used on awnings, doors, canopies, marquees and windows.

¹ Mansard roof sign and sign structures shall not extend above the roof line.

² Either one (1) on building *or* one (1) on roof. Cannot be sloped roof.

³ Either one (1) on roof *or* one (1) on building. Cannot be sloped roof.

Section 154-15.16. (B) Table of Sign Development Requirements for the United States Highway 27 Sign District.

**United States Highway 27 Sign District
(Cross Reference Section 154-15.13)**

<u>Permanent Freestanding Signs (Ground-Mounted, Monument, Pole)</u> ⁴						<u>Building/Wall Signs</u> ⁵		<u>Mansard Roof Signs</u> ⁶	
<u>Max. Number of Signs on Road Frontage Per Site</u>	<u>Min. Linear Feet of Lot Road Frontage Required to Allow a Sign</u>	<u>Max. Number of Sign Faces</u>	<u>Max. Area Per Each Sign Face (sq. ft.)</u>	<u>Max. Sign Height</u>	<u>Min. Distance Between Signs</u>	<u>Max. Number of Signs Allowed Per Street</u>	<u>Maximum Sign Area Allowed</u>	<u>Max. Height Above Ground Level</u>	<u>Max. % Area Allowed</u>
<u>1</u>	<u>60'</u>	<u>2</u>	<u>125</u>	<u>24'</u>	<u>40'</u> ⁷	<u>1</u> ⁸	<u>30% of respective wall</u> ⁹	<u>24'</u>	<u>30% of road front roof face</u>

Note: Maximum total building signage. The total signage allowed on one (1) building (wall, roof and additional building signage) shall not exceed one (1) square foot of signage for each linear foot of building frontage, for each street frontage (up to (3) street frontages). The square foot signage shall be restricted to the street the signage fronts. Signs fronting two (2) streets shall count in both.

⁴ No part of any permanent freestanding sign shall extend beyond any right-of-way line or building setback.

⁵ Awnings are allowed and shall count in allowable signage for the building.

⁶ Mansard roof sign and sign structures shall not extend above the roof line.

⁷ Except where the locations of existing ground or pole signs on adjacent lots would make this requirement impossible to meet.

⁸ Signage is allowed on the front wall of the building and on any side wall which faces a public street. See 154-15.13, Letter C, for additional information.

⁹ Signage and graphics may not extend beyond the wall surface (top or sides).

**United States Highway 27 Sign District
(Cross Reference Section 154-15.13)**

Shopping Center Freestanding Signs		
<i>Max. Number Ground-Mounted or Monument Signs Per Road Frontage Contiguous to Shopping Center Parcel¹⁰</i>	<i>Max. Sign Height</i>	<i>Max. Square Footage per Sign Face</i>
1 ¹¹	24'	125

¹⁰ Must be approved by the LPA. See 154-13, Letter G, for additional information.

¹¹ Shopping centers with more than five (5) separate stores may petition the local planning agency for up to two hundred (200) square feet of sign face on each sign side.

Section 154-15.16. (C) Table of Sign Development Requirements for the Traditional Sign District.

**Traditional Sign District
(Cross Reference Section 154-15.14)**

Permanent Freestanding Signs (Ground-Mounted, Monument, Pole) ¹²						Building/Wall Signs ¹³		Mansard Roof Signs ¹⁴		Right Angle Signs				
<u>Max. Number of Signs on Road Frontage Per Site</u>	<u>Min. Linear Feet of Lot Road Frontage Required to Allow a Sign</u>	<u>Max. Number of Sign Faces</u>	<u>Max. Area Per Each Sign Face (sq. ft.)</u>	<u>Max. Sign Height</u>	<u>Min. Distance Between Signs</u>	<u>Max. Number of Signs Allowed Per Street</u>	<u>Maximum Sign Area Allowed</u>	<u>Max. Height Above Ground Level</u>	<u>Max. % Area Allowed</u>	<u>Max. Number Per Business Per Road Frontage</u>	<u>Max. Sq. Ft. Per Sign Face</u>	<u>Min. Separation Between Right Angle Signs</u>	<u>Min. Head Clearance from Sidewalk</u>	<u>Max. Distance Projected Horizontally from Bldg. Wall & Projected Angle Required</u>
<u>1</u>	40'	2	35	12'	40' ¹⁵	1 ¹⁶	30% of respective wall ¹⁷	24'	30% of roof face	1	6 sq. ft. (right angle) 3 sq. ft. (pedestrian)	30'	8'	5' or 1/2 the width of the sidewalk, whichever is less & at 90° angle

¹² No part of any permanent freestanding sign shall extend beyond any right-of-way line or building setback.

¹³ Awnings are allowed and shall count in the allowable building/wall signage requirements.

¹⁴ Mansard roof sign and sign structures shall not extend above the roof line.

¹⁵ Except where the locations of existing ground or pole signs on adjacent lots would make this requirement impossible to meet.

¹⁶ Signage is allowed on the front wall of the building and on any side wall which faces a public street.

¹⁷ Signage may not extend beyond the wall surface (top or sides).

Notes for Right Angle Sign:

- a) A sign is allowed a maximum two (2) sign faces.*
- b) The sign may not be higher than the window sill of the second story building.*
- c) The sign cannot project at the corner of the building except at a building front.*
- d) A right-angle sign cannot be used if the business has a ground-mounted sign on the same frontage.*

Notes for Pedestrian Sign:

If any part of the building overhangs a public sidewalk, a business shall be entitled to an additional sign to be hung from the overhang which shall not be lower than eight (8) feet from the sidewalk. It may contain up to three (3) square feet of sign face on each side. A sign is allowed a maximum two (2) sign faces.

Section 154-15.17. Sign Removal.

Section 154-15.17.1. Removal of Illegal or Prohibited Signs.

- A. Prohibited signs on public property or rights-of-way shall be removed immediately and may, without notice, be removed by the Town or its agent.

~~The code enforcement official (or such other town employee directed by the mayor) shall remove all illegal signs from public property immediately.~~

- B. Illegal or prohibited temporary signs or parasite signs shall be removed within forty-eight (48) hours after receipt of written notification of the Code Enforcement Officer or Town Building Official.

- C. Other signs prohibited in Section 154-15.7. shall be removed by the owner, agent or person in charge of the premises, within forty-eight (48) hours after receipt of written notification by the Code Enforcement Officer or Town Building Official. If the sign is not removed within this time frame, the Town may remove it at the owner's expense and/or the Code Enforcement Officer may refer the violation to the Town of Lake Placid Code Enforcement Special Magistrate.

Section 154-15.17.2. Removal of Unsafe or Abandoned Signs.

Should any sign become insecure or in danger of falling, in disrepair or deteriorated, or otherwise unsafe in the opinion of the Code Enforcement Officer or the Town Building Official, the owner thereof, or person or firm maintaining it, shall upon written notification from the town, immediately remove the sign in the case of imminent danger, or secure the sign in conformance with the provisions of this code within thirty (30) days in other instances, or the code enforcement officer or designee shall have the sign removed at the expense of the owner.

~~The owner (person) or firm maintaining an unsafe sign shall, upon written notice from the town, secure the sign in a manner to be approved by the planning and zoning official in conformity with the provisions of this code or remove the sign. If such notice is not complied with within eight (8) days, the code enforcement officer or his designee shall have the sign removed at the expense of the owner.~~

When a business leaves a location, the signs pertinent to that business shall be removed by either the tenant or the landlord. If a new business will be moving in immediately, a box-type sign cabinet may be re-used by the new business operator by inserting a new "face" in the sign. A permit is required to insert this new sign face.

If a new business is not moving in within sixty (60) days of the former leaving, then one of the following shall be required until a new business rents the space:

- A. A blank panel may be inserted to replace the sign face of the prior business;

B. The existing sign face may be reversed so that the blank side of the panel is showing;

C. A sock or boot may be used to cover the sign.

In no case shall a sign box be left with a broken or missing sign panel. In cases where totally new signs or awnings are being installed for a business, the old signs they replace shall be completely removed.

Section 154-15.14 18. Signs after disaster.

This section grants relief for permitted signs damaged or destroyed by disaster (fire, hurricane, calamity or similar events).

Section 154-15.14 18.1. Permits.

This section does not exempt disaster signage from permitting. A permit is required for signs allowed under this section. However, there is no permit fee. Two (2) types of permits are available:

1. The town's mayor or mayor's designee may issue a temporary disaster sign permit allowing an approved disaster sign to be displayed for sixty (60) days.
2. The town's planning and zoning official may issue a disaster sign permit allowing an approved disaster sign to be displayed for sixty-day increments, up to a total of one hundred eighty (180) days. Temporary disaster sign permits and disaster sign permits under this section expire when:
 1. The time stated in the permit expires;
 2. The regularly permitted signage is erected; or
 3. The regularly permitted signage could reasonably be erected, as determined by the town's planning and zoning official.

Section 154-15.14 18.2. Post disaster signage.

Total post disaster signage may not exceed the signage allowed for the respective parcel by the Town Code. However, the following post disaster signage may be approved:

- A. Where pole, ground, or monument signs are permissible, a temporary wooden sign (plywood and posts) may be erected. However, the temporary sign may not be higher or have greater square feet than the permissible pole, ground or monument sign.

- B. When signs affixed to the face of a building or roof have been damaged or destroyed, they may be replaced temporarily with a banner affixed to the same structure (if said structure remains).

Section 154-15.~~15~~ 19. Violations and penalties.

It is a violation of this code for property owners, tenants or occupants of property to maintain, install or allow a sign which is not permitted, exempt from the permit requirements of this code, or otherwise not in compliance with this code, to be on property which they own, lease or otherwise occupy.

Section 154-15.~~15~~.19.1.

Violations of section 154-15 shall be prosecuted and otherwise punished under the code enforcement provisions of chapter 26 of the Code of the Town of Lake Placid, Florida.

Section 154-15.~~15~~.19.2.

The following are unlawful and violations of the Code of the Town of Lake Placid, to wit:

- A. Constructing or maintaining a sign in violation of section ~~154-15.6~~ 154-15.7, Prohibited signs and violations, of the Town Code is a class II violation which shall be penalized according to subsection 26-482(a) of the Town Code.
- B. The initial illegal placement of a snipe sign is a class I violation of the Town Code which shall be penalized according to subsection 26-482(a) of the Town Code.

Section 154-15.~~15~~.19.3.

All notices required or allowed under this chapter shall be made according to section 26-105 of the Code of the Town of Lake Placid, Florida.

Section 154-15.~~15~~.19.4.

Violations of section 154-15 shall be penalized and fined as a class II violation according to section 26-482 of the Code of the Town of Lake Placid, Florida.

Section 154-15.20. Severability.

~~If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.~~

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter.

Section 154-15.20.1. Severability Where Less Speech Results.

Without diminishing or limiting in any way the declaration of severability set forth above in Section 154-15.20, or elsewhere in this chapter, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

Section 154-15.20.2. Severability of Provisions Pertaining to Prohibited Signs.

Without diminishing or limiting in any way the declaration of severability set forth above in Section 154-15.21, or elsewhere in this chapter, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under Section 154-15.7 of this chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 154-15.7 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 154-15.7.

(Ord. No. 95-221, §§ 2—24, 11-6-95; Ord. No. 96-236, § 2, 4-1-96; Ord. No. 04-418, §§ 1, 2, 8-9-04; Ord. No. 2004-430, §§ 1—4; 11-29-04; Ord. No. 05-435, §§ 1, 2, 3-14-05; Ord. No. 05-451, §§ 1, 2, 5-9-05; Ord. No. 06-484, §§ 1—4, 3-13-06; Ord. No. 2006-485, §§ 1—3, 2-13-06; Ord. No. 2010-610, § 1, 7-12-10; Ord. No. 2011-641, § 1, 11-28-11)

SECTION 2. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or divisions of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance.

SECTION 3. INCLUSION IN THE CODE. When the text of this Ordinance is published for inclusion in the Lake Placid, Florida Code of Ordinances, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined, double underlined, or highlighted shall be amended so that the text of the Code shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made.

SECTION 4. CODE REVISIONS. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Administrator or his or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

SECTION 5. CONFLICT. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective on January 1, 2017.

ADOPTED AND ORDAINED during a regular meeting of the Lake Placid Town Council held this ____ day of _____, 2016.

TOWN OF LAKE PLACID,
a Florida municipal corporation

By: _____
John M. Holbrook, Mayor

Attest: _____
Eva Cooper Hapeman, Town Clerk

THIS ORDINANCE WAS READ in full or by title on at least two (2) separate days in two (2) Town Council meetings (on the ____ day of August, 2016 and on the ____ day of September, 2016). Notice of the proposed enactment containing the Ordinance title, stating that a copy may be obtained at Town Hall, and stating that adoption and advising that interested parties may appear at the meeting and be heard with respect to the proposed ordinance was published in Highlands Today on the 10th of July, 2016 and the ____ day of August, 2016 being at least thirty (30) days prior to adoption.

Eva Cooper Hapeman, Town Clerk

ORDINANCE 2016-727

(Chapter 152 – Language and
Definitions (related to Signs))

Ordinance 2016-727

CHAPTER 152–LANGUAGE AND DEFINITIONS

Summary of Amendments

In the Ordinance:

- **Comments:** *In addition to the Summary of Amendments below, comments are provided after the proposed amendments indicating the reason for the proposed change.*
- Text that is underlined is proposed to be added. Text that is shown in ~~strikeout~~ is proposed to be removed. Text with no underlining or strikeout is transferring from the Section 154-15.-Signs.

A summary of changes is provided below.

SECTION

PROPOSED CHANGE

Section 152-4. – Definitions of terms.

Definitions from the Sign Code (Section 154-15. are now provided in Section 152-4. under “Sign” for ease of reference. An overview of amendments to the definitions under “Sign” are provided below. These definitions are being amended to address content neutrality and update to the Sign Code.

Definitions **added** to Section 152-4. include:

- Aggregate sign area
- Animated sign
- Blade sign
- Double-Face sign
- Flag
- Flagpole
- Laser-Light Sign
- Mansard roof sign
- Monument sign
- Parasite sign
- Pedestrian sign
- Pole sign
- Right Angle Sign
- Scroll
- Sign structure
- Tablet sign
- Travel
- Wind Sign

Definitions **modified** in Section 152-4. include:

- Balloon display
- Banner
- Billboard

- Building sign
- Changeable copy sign (automatic)
- Changeable copy sign (manual)
- Directional sign
- Eaves
- Freestanding sign
- Ground sign or ground-mounted sign
- Murals
- Off-premises sign
- On-premises sign
- Permanent sign
- Roof sign
- Sandwich Board sign
- Snipe sign
- Temporary sign

Definitions **deleted** in Section 152-4. include:

- Beacon light
- Construction sign
- Frontage
- Garage sale sign
- Holiday decorations
- Identification sign
- Lot
- Multiple occupancy complex
- Parcel
- Planned unit development (PUD)
- Political sign
- Public access area
- Publicly owned areas
- Readerboard signs
- Real estate sign
- Right of way
- Service club sign
- Statutory sign
- Street
- Uniform traffic control sign
- Warning sign

ORDINANCE NO. 2016-727

AN ORDINANCE OF THE TOWN OF LAKE PLACID, FLORIDA, AMENDING THE TOWN'S LAND DEVELOPMENT CODE TO IMPLEMENT THE LAKE PLACID REGIONAL PLAN SPECIFIC TO SIGNS; AMENDING CHAPTER 152–LANGUAGE AND DEFINITIONS; AMENDING SECTION 152-4.–DEFINITIONS OF TERMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Lake Placid, Florida desires to amend the Town Code; and

WHEREAS, the Town Council, Local Planning Agency and Growth Management Committee approved the Report of the Lake Placid Area Growth Management Committee on May 29, 2007; and

WHEREAS, the Town Council adopted the “Town of Lake Placid 2030 Comprehensive Plan” on January 14, 2013, of which Objective 6 was added to the Future Land Use Element which includes policies specific to the Lake Placid Regional Plan; and

WHEREAS, amendments to the Town’s Code are required to implement recommendations from the Growth Management Committee and the policies adopted in the Future Land Use Element of the “Town of Lake Placid 2030 Comprehensive Plan”; and

WHEREAS, amendments to the Town’s Code are provided which remove inconsistencies and update references to Florida Statutes; and

WHEREAS, amendments to the Town’s Code are provided which provide for content neutrality consistent with the U.S. Supreme Court Ruling of Reed vs Town of Gilbert; and

WHEREAS, notice of this proposed Ordinance was published at least thirty (30) days prior to adoption in a newspaper of general circulation in the Town of Lake Placid; and

WHEREAS, the Lake Placid Local Planning Agency held a public hearing on said amendments on:

The ____ day of _____, 2016; and

WHEREAS, two public hearings were held by the Town Council on said Ordinance on:

The ____ day of _____, 2016; and

The ____ day of _____, 2016; and

WHEREAS, it appears in the best interest of the Town of Lake Placid that the Ordinance be adopted.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LAKE PLACID, FLORIDA:

SECTION 1. § 152-4. - DEFINITION OF TERMS OF THE TOWN CODE IS AMENDED AND RESTATED TO READ AS SHOWN BELOW. TEXT THAT IS UNDERLINED IS TO BE ADDED. TEXT THAT IS SHOWN IN STRIKEOUT IS TO BE REMOVED. TEXT WITH NO UNDERLINING OR STRIKEOUT IS TRANSFERRING FROM THE SECTION 154-15.-SIGNS. HIGHLIGHTED COMMENTS ARE INCLUDED FOR INFORMATIONAL PURPOSES ONLY.

The illustrations provided in this Section serve as visual examples to generally represent a defined term for general reference purposes only. As general illustrations, they may not be all inclusive, and they do not contain or represent exact or specific requirements.

Sign:

Any writing, pictorial presentation, number, illustration, decoration, or other device including the sign's area, face, and structure, which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term "sign" shall not be deemed to include the terms "building", "landscaping", or any architectural embellishment of a building not intended to communicate information. ~~object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures design, symbols, fixtures, colors, illumination or projected images.~~

Comment: Updated for neutrality.

Aggregate sign area: The total available sign area of all sides or portions of a sign.

Comment: New definition to support new term used in these sign regulations.

Animated sign: Any sign using actual motion or the illusion of motion.

Comment: New definition to support existing term used in these sign regulations.

Awning: A roof-like cover made of cloth, canvas or other similar material that projects from the wall of a building for the purpose of shielding a doorway, walkway or window

from the elements.

Awning sign: Any building sign attached to an awning.

Balloon display: Any balloon air inflated object, which may be of various shapes, made of flexible fabric and restrained, attached, or including plastic or rubber inflatable objects anchored in place by a cord, rope, cable, or similar method on private property for the purpose of advertisement.

Comment: Revised to be more descriptive.

Banner: Any strip of cloth, plastic or other flexible material on which a sign is printed, painted, or otherwise displayed that is intended to be hung or mounted to a structure by cord, rope, cable, or similar method. “Banner” does not include blade signs.



Example Banner

Comment: Revised to distinguish from other types of temporary signs.

~~**Beacon light** means any light with one (1) or more beams capable of being directed in any direction or directions, or capable of being revolved automatically, or capable of having any part thereof revolve automatically, or a fixed or flashing high intensity light; search light.~~

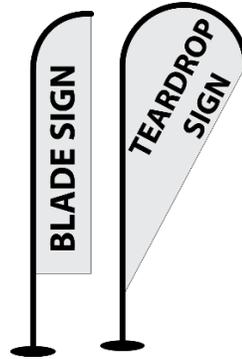
Comment: Deleted. This term is not used within the sign code and is covered by the definition “search light”.

Bench sign: Any sign on a bench which displays advertising or which is intended for the display of advertising and when such benches are to be located on the public way or when such benches are to be located on private property, but the advertising is intended to be viewed from the public way.

Billboard: A permanently constructed sign structure composed of one or more large surfaces for permanent or changeable messages, supported by vertical posts and generally used off-premises. any sign relating in its subject matter to commodities, accommodations, services, activities, or information on premises or lots other than the premises upon which the sign is located.

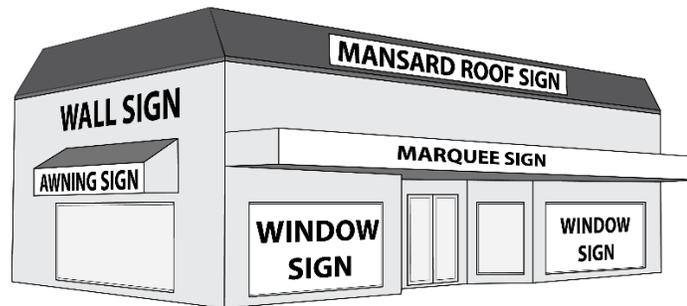
Comment: Revised to update.

Blade sign (aka feather sign, teardrop sign): A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.



Example Blade Signs

Building sign: An on-premises a sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, canopies, awnings, marquees and roofs.

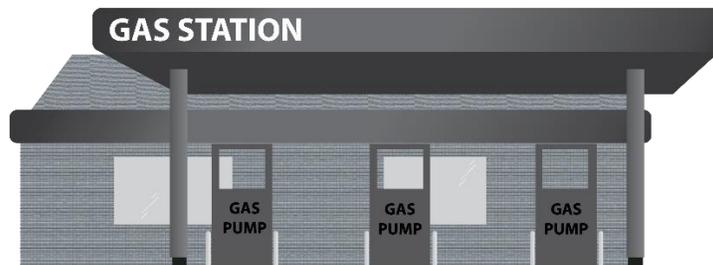


Examples of Building Signs

Bus stop shelter sign: Any sign located on any part of the surface of a bus stop shelter.

Canopy: A permanent roof-like shelter, open on at least three (3) sides, to protect an area from the elements, such as over gasoline pumps.

Canopy sign: Any building sign attached to a canopy.



Example Canopy Sign

Changeable copy sign (automatic): A sign upon which copy is changed or changes automatically. ~~Examples include electronically or electrically controlled public service time, temperature and date message, message center, or readerboard, or other signs upon~~

~~which different copy changes can be shown on the same lampbank. (Formerly known as readerboard).~~

Comment: For neutrality, deleted specific categorical sign references.

Changeable copy sign (manual): Any sign with copy that can be manually changed, ~~rearranged, or altered without changing face of the sign a sign upon which copy is changed manually.~~ Examples include the following: ~~Readerboards with changeable letters or changeable pictorial panels. (Formerly known as readerboard)~~



Example Changeable Copy Sign (Manual)

~~**Construction sign** means a sign erected at a building site which identifies the general contractor and the general contractor's contact information, and displays permits issued for the construction project.~~

Comment: The description of a specific sign, having a specific purpose and content, has been removed for content neutrality.

Copy: The linguistic or graphic content of a sign.

Directional sign: Any permanent sign whose sole purpose is to provide direction to pedestrian and vehicular traffic. ~~permanent sign without commercial content, but showing directions to specific locations such as clubhouse, golf course, tennis courts, etc.~~

Double-Face sign: A sign with equal sized back-to-back parallel faces provided that the faces are joined on the same support and separated by not more than two (2) feet.

Comment: New definition to support existing term used in these sign regulations.

Eaves: The lowest horizontal line of a sloping roof or the plane of a flat roof.

~~Electric sign means any sign containing electric writing.~~

Comment: Deleted term; outdated and not used elsewhere in these sign regulations.

Flag: A sign, usually square or rectangular shaped, made of plastic or fabric of any kind and intended to be hung from a flagpole by being tethered along one side.

Flagpole: A freestanding ground mounted structure, or a structure mounted to a building or wall and used for the sole purpose of displaying a flag.

Freestanding sign: ~~is a~~ A sign that is set firmly in or upon the ground surface and is not attached to any building or other structure. Freestanding signs include, but are not limited to, ground-mounted, monument, and pole signs.

Comment: *Revised to update.*

~~Frontage means the length of the property line of any one (1) parcel along a street on which it borders.~~

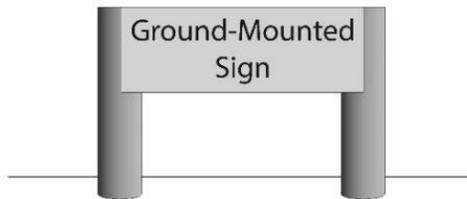
Comment: *Deleted. Already provided in 154-2.*

~~Garage sale sign is any sign advertising garage sales.~~

Comment: *The description of a specific sign, having a specific purpose and content, has been removed for content neutrality.*

Ground sign or ground-mounted sign: A permanent, freestanding sign that is supported by one (1) or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building. Ground sign or ground-mounted sign does not include “pole sign”.

Comment: Added “permanent” and “freestanding” to the definition for greater clarity.



Example Ground-Mounted Sign

Hazardous sign: ~~Is~~ A any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, contents, coloring, or methods of illumination, or which obstructs the visibility of any official traffic-control device or which diverts or tends to divert the attention of drivers of moving vehicles from traffic movement on streets, roads, intersections, or access facilities.

~~Holiday decorations are symbols or decorations celebrating accepted holidays and seasons with noncommercial messages.~~

Comment: *Deleted for neutrality.*

~~Identification sign is any sign which indicates the name of the use, owner, activity, business or enterprise, but which does not advertise products, commodities, or services offered, and which is located on the same property which is identified.~~

Comment: *The description of a specific sign, having a specific purpose and content, has been removed for content neutrality.*

Illuminated sign: A sign in which an artificial source of light is used in connection with the display of such sign.

Internal illumination: Illumination of a sign which is affected by an artificial source of light, which is contained within the sign itself.

Laser-Light Sign: A sign having a laser light source and/or emitting a laser light.

Comment: Provided to define a listed “Prohibited Sign”.

~~Lot means a parcel of land designated in a recorded deed or in an approved subdivision, which meets the minimum requirements for development as specified in this land development code; or a parcel of land approved for separate and individual development under a development permit issued by the town; or a parcel or contiguous parcels of land occupied by an individual use or coordinated combination of uses, including principal structures and associated accessory structures, yards, open spaces, buffer areas, accessways, parking areas, and loading areas. If, however, the property lines are such as to defeat the purposes of this chapter, a lot may be designated so as to effectuate the purpose of this chapter.~~

Comment: Deleted. Already provided in 152-4 and 154-5.

Mansard roof sign: A sign attached parallel to a mansard roof (a type of roof where all sides slope downwards to the walls, usually with a fairly gentle slope).



Example Mansard Roof Sign

Marquee: A structure projected from and supported by a building which extends beyond the building line and usually fully or partially covers a sidewalk, porch, public entrance or other pedestrian way.

Marquee sign: Any sign attached to a marquee.

Monument sign: A permanent, freestanding sign, with a solid base, designed with a continuous structural element of approximately the same dimension from the ground to the top of the sign. Monument signs shall be allowed where ground signs and pole signs are allowed.



Example Monument Sign

Comment: *New definition provided for existing term.*

~~Multiple occupancy complex means a commercial use, or other nonresidential use including a special use district consisting of a parcel of property, or parcel of contiguous properties, including condominium or cooperative units, existing as a unified or coordinated project, with a building or buildings housing more than two (2) occupants. The number of units or business locations shall be counted, rather than the number of businesses which may exist at a unit or business location.~~

Comment: *Deleted. Term not used in the sign code.*

Murals: Original, painted, art forms on walls or similar building areas ~~devoid of commercial messages.~~

Neon sign: Any sign which is formed by luminous or gaseous tubes in any configuration, and such tubes are visible.

Nonconforming sign: A sign lawfully existing at the date it was erected, but could not be erected under the terms of this chapter, or as it may be amended.

Off-premises sign: Any sign relating to an activity or place not on the premises on which the sign is located. A sign bearing a non-commercial message is deemed to be on-premises. ~~upon which advertising matter may be placed or upon which posters may be posted or otherwise secured to the face thereof, advertising goods, services or other things not sold or available upon the premises upon which sign is located.~~

Comment: *Revised to update for neutrality.*

On-premises sign: Any sign relating to an activity or place on the same premises on which the sign is located. ~~upon which advertising matter may be placed or upon which posters may be posted or otherwise secured to the face thereof, advertising goods, services or other things rendered on the immediate premises where the sign is located.~~

Comment: *Revised to update for neutrality.*

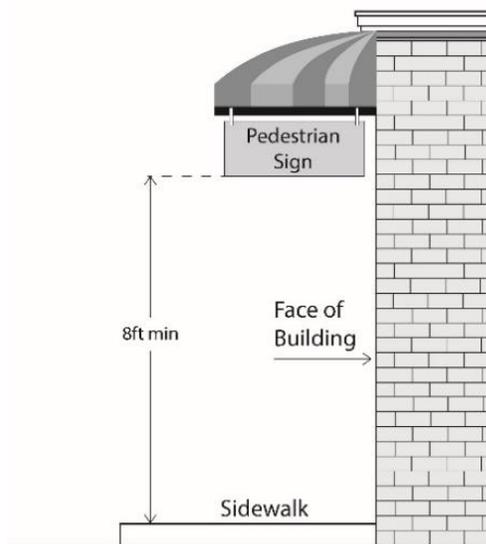
Parasite sign: Any sign attached to another sign, for which no permit has been issued.

Comment: *New definition to support new term used in these sign regulations.*

~~Parcel means a piece of land under either one (1) ownership; or under one (1) use; or a platted lot; or the land under one (1) development order or site plan; or a development using a common parking lot or a common building (such as a shopping center or strip mall).~~

Comment: Deleted. Term already provided in 152-4.

Pedestrian sign: A sign painted on or attached to the underside of a canopy, awning or marquee. Pedestrian signs shall have a minimum eight (8) feet of clearance between the bottom of the sign and the sidewalk.



Example Pedestrian Sign

Comment: Term added for purposes of furthering existing code standards within the Traditional Sign District, Sec. 154-15.14.

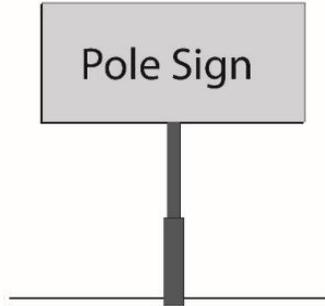
Permanent sign: A sign designed and constructed to be attached to a building or structure, or to the ground, in a manner and intended for more than short-term use that precludes ready removal or movement of the sign, and whose intended use appears to be indefinite.

Comment: Revised for greater clarity.

~~Planned unit development (PUD) is an area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated and maintained as a single entity and containing one (1) or more residential clusters or planned unit residential developments, and one (1) or more public, quasi-public, commercial, or industrial areas in such ranges or ratios of nonresidential uses to residential uses as specified in the ordinance.~~

Comment: Deleted. Term not used in sign code.

Pole sign: A permanent, freestanding sign, other than a ground or monument sign, which is mounted on a free standing pole or poles embedded in the ground.

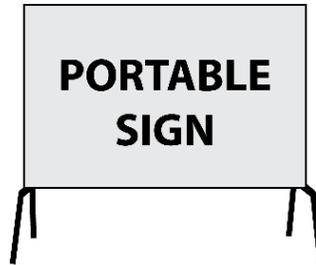


Example Freestanding Pole Sign

~~Political sign is any sign erected for or against a candidate for city, county, state and federal office, and any sign for or against a ballot issue.~~

Comment: The description of a specific sign, having a specific purpose and content, has been removed for content neutrality.

Portable sign: Any sign which is manifestly designed to be transported by trailer or on its own wheels, including any such sign even though the wheels may be removed and the remaining chassis or support structure converted to an A or T-frame sign and attached temporarily or permanently to the ground. Any sign designed, used or intended for use on a bicycle or other human-powered vehicle while located upon a bicycle path.



Example of Portable Sign
(may also be on wheels)

Projected sign: Any sign which is affixed to any building wall or structure and extends no more than twelve (12) inches horizontally from the plane of the building wall.

~~Public access area means a street or road right-of-way, bicycle path, beach, beach access, public access easement or waterway.~~

Comment: Deleted. Term not used in sign code.

~~Publicly owned areas mean any property owned or under the control of a public body, including, but not limited to, a street or road right-of-way, bicycle path, beach, beach access, waterway, or public access area.~~

Comment: Deleted. Term not used in sign code.

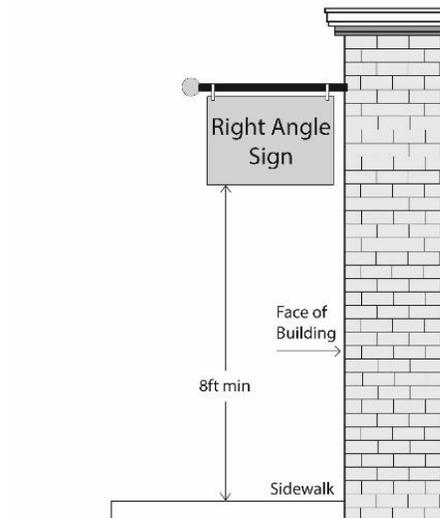
~~Readerboard signs means a changeable copy sign whether automatic or manual.~~

~~*Comment: Deleted. Now referred to as “Changeable Copy (Automatic)” and “Changeable Copy (Manual)” signs.*~~

~~Real estate sign means a temporary sign which is used to offer for sale, lease, or rental of the parcel upon which such sign is erected. For purposes of this chapter, an open house or a model home sign shall be considered a real estate sign.~~

~~*Comment: The description of a specific sign, having a specific purpose and content, has been removed for content neutrality.*~~

Right Angle Sign: A sign which extends, at a ninety degree (90°) angle, no more than five (5) feet from the building wall, or one-half (½) the width of the sidewalk, whichever is less. Right angle signs shall have a minimum eight (8) feet of clearance between the bottom of the sign and the sidewalk.



Example of Right Angle Sign

~~Right of way means all of state, county, or town roads, alleyways or easements.~~

~~*Comment: Deleted. Term already provided in 152-4.*~~

Roof line: The horizontal line which is the highest part of a roof.

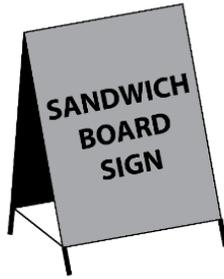
Roof sign: Any sign erected or constructed and maintained above the eaves and under the roof line of any building.

~~Roof top sign means a sign placed above the roof line of a building.~~

~~*Comment: Deleted. This sign is not allowed and therefore does not need to be defined.*~~

Sandwich Board sign: A freestanding, self-supporting, temporary sign joined at the top to form an inverted “V” with up to two sign faces with each sign face totaling not more

than 12 square feet, and each sign face not more than 4 feet tall or 3 feet wide.



Example Sandwich Board Sign

Comment: Added “freestanding”, “self-supporting”, and “temporary” to the definition for greater clarity.

Scroll: A mode of message transition on a changeable copy (automatic) sign where the message appears to move vertically or horizontally across the display surface.

Searchlight: Any apparatus designed to project a beam of light for the purpose of advertisement during hours of darkness.

~~Service club sign is any logo sign for a nationally recognized service organization. The logo is to be counted as part of permitted sign as to height and size.~~

Comment: *The description of a specific sign, having a specific purpose and content, has been removed for content neutrality.*

Sign face (sign plane): The part of a sign that is or may be used for copy.

Sign face area (sign plane area): The area of any regular geometric shape (square, rectangle, parallelogram, triangle, circle, or semicircle) which contains the entire surface area of a sign upon which copy may be placed.

Sign structure: Any construction used or designed to support a sign, including all supports, braces, guys and anchors, electrical parts, wires and lighting fixtures, and all painted and display areas attached to or placed around the sign structure.

Comment: *New definition to support new term used in these sign regulations.*

Snipe sign: Any sign, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, or light, electric or telephone poles, fences, sticks or other objects, ~~including attachment to permanent accessory signs or sign structures.~~

Comment: *The deleted text describes a “parasite sign”, for which a new definition for that term has been provided.*

~~Statutory sign means signs required by a law of the county, the state, the United States Government or the town.~~

Comment: Deleted. Term not used in sign code.

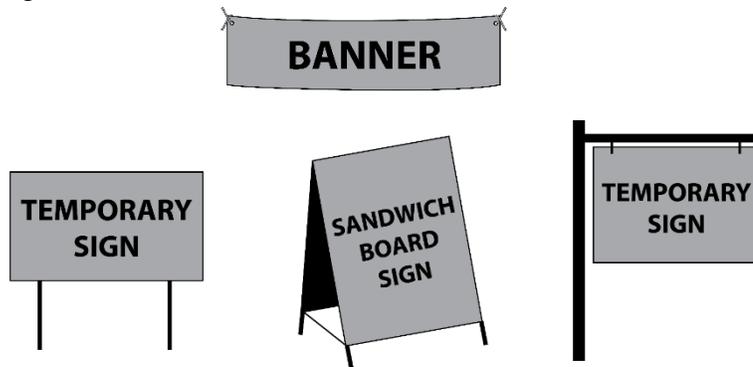
~~Street means a public or private right of way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways and boulevards.~~

Comment: Deleted. Definition already exists in 152-4 and 154-5.

Tablet sign: A sign located on the permanent part of a building which denotes nameplates, the name of the building, date of construction, historical significance, dedication or other information.

Comment: New definition to support new term used in these sign regulations.

Temporary sign: Any sign designed, constructed, and intended to be used on a limited-term basis, and which is not permanently installed. A permanent sign with periodic changes to the message shall not be considered a temporary sign. ~~any mobile or portable sign or sign structure not securely attached to the ground or to any other structure.~~ This definition shall include, but is not limited to, such signs as banner signs, yard signs, and sandwich board signs.



Examples of Temporary Signs

Comment: Revised to support the use of this term in these sign regulations

Trailer sign: ~~Is a~~Any sign mounted on a vehicle normally licensed by the state as a trailer and used for advertising or promotional purposes.

Travel: A mode of message transition on a changeable copy (automatic) sign where the message appears to move horizontally across the display surface.

~~Uniform traffic control sign means a sign which is in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices.~~

Comment: Deleted. Term not used in sign code.

Unsafe sign: Any sign that is not secure, in danger of falling or blown about, or otherwise unsafe in the opinion of the building official or town designee.

Vehicle sign: ~~Is a~~Any vehicle with commercial signage utilized in a fashion that simulates an actual freestanding sign, and not being used for transportation.

Wind Sign: Any sign or display including but not limited to balloons, inflatable devices, and rotating devices, fastened in such a manner to move upon being subjected to pressure by air, wind, or a breeze.

Comment: *Provided to define a listed "Prohibited Sign".*

~~Warning sign means a sign containing no advertising material, warning the public of the existence of danger, advising persons of conditions upon the premises, or warning persons to keep off the premises. Examples include, without limitation, dangerous condition signs, chemical advisories, premises security signs, "bad dog" signs, no trespassing signs, no solicitors signs, no parking signs, keep off grass signs, and the similar sign.~~

Comment: *Deleted. This term is not used in sign code.*

SECTION 2. SEVERABILITY. The divisions, sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection, section, or divisions of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, sections, and divisions of this Ordinance.

SECTION 3. INCLUSION IN THE CODE. When the text of this Ordinance is published for inclusion in the Lake Placid, Florida Code of Ordinances, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined, double underlined, or highlighted shall be amended so that the text of the Code shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made.

SECTION 4. CODE REVISIONS. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Administrator or his or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

SECTION 5. CONFLICT. Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective on January 1, 2017.

ADOPTED AND ORDAINED during a regular meeting of the Lake Placid Town Council held this ____ day of _____, 2016.

TOWN OF LAKE PLACID,
a Florida municipal corporation

By: _____
John M. Holbrook, Mayor

Attest: _____
Eva Cooper Hapeman, Town Clerk

THIS ORDINANCE WAS READ in full or by title on at least two (2) separate days in two (2) Town Council meetings (on the ____ day of August, 2016 and on the ____ day of September, 2016). Notice of the proposed enactment containing the Ordinance title, stating that a copy may be obtained at Town Hall, and stating that adoption and advising that interested parties may appear at the meeting and be heard with respect to the proposed ordinance was published in Highlands Today on the 10th of July, 2016 and the ____ day of August, 2016 being at least thirty (30) days prior to adoption.

Eva Cooper Hapeman, Town Clerk