ORD 27-01 EXHIBIT "A"

PART III

LAND DEVELOPMENT CODE

CHAPTER 100 – GENERAL PROVISIONS

SECTION 101 – SHORT TITLE

This ordinance shall be known and should be cited as the "Town of St. Leo Land Development Code."

SECTION 102 – AUTHORITY AND PURPOSE

Subsection 102.1 – Authority

Pursuant to Article VIII, Section 2(b), of the Constitution of the State of Florida; F.S. ch. 163, Part II, as amended; and F.S. ch. 166, as amended, the Town is authorized and required to adopt this Land Development Code consistent with the adopted St. Leo Comprehensive Plan.

Subsection 102.2 – Purpose

To prescribe, regulate, restrict and limit, for the purposes of (1) promoting the public health, safety and general welfare, high water quality in Lake Jovita (Clear Lake), an aesthetically desirable environment with recognition of important visual corridors, and (2) implementation of the mandates of the Comprehensive Plan, and the conclusions of the report on nonpoint pollution and the report on sewage disposal systems, regulations of and restrictions upon the 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, courts 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 St. Leo into zones or districts of such number, shape and area as are deemed best suited to carry out the said purposes; and to provide methods of administration and enforcement and to provide penalties for violations of the provisions; it is hereby ordained as follows.

SECTION 103 – LAND DEVELOPMENT CODE AFFECTS

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the resolutions and ordinances herein specified for the district in which it is located, except as hereinafter provided;

and except that any structure damaged or destroyed may be restored if such structure does not involve a nonconforming use.

SECTION 104 – INTERPRETATION AND APPLICATION

In interpretation and application, the provisions of this Code shall be held to be the minimum requirements adopted for the promotion of the public health, safety, high water quality in Lake Jovita (Clear Lake), an aesthetically desirable environment, morals, comfort, prosperity and general welfare and for implementation of the mandates of the Comprehensive Plan, and the conclusions of the report on nonpoint pollution and the report on sewage disposal systems. It is not intended by this ordinance 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 Code 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 Code shall control.

SECTION 105 - DEFINITIONS, GENERALLY

All words herein used in the present tense shall include the future, the singular shall include the plural, and the plural the singular. The word "shall" is mandatory. Unless otherwise provided, the following words and phrases are defined as follows:

Alley. Any public or private way set aside or dedicated for public travel, which is 20 feet or less in width.

Building. Anything constructed or erected with a fixed or permanent location on the ground. Any such structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. The term "building" shall be construed as if followed by the words "or part thereof." (For the purpose of this Code each portion of a building separated from other portions by a firewall shall be considered as a separate building.)

Building, accessory. A building that is incidental in use and in area to that of a principal building on the same lot. Uniformity of use, function and physical connection shall be factors in determining the permitted number, size and height of accessory structures. Accessory structure is only permitted in conjunction with a principal use.

Building permit. Means written permission issued by the Town of St. Leo for the erection, construction, enlargement, repair, alteration or addition to a structure or other property improvements, including but not limited to signs, parking lots and fences/walls, and including site preparation such as grading and construction of infrastructure.

Cluster housing. A condominium, townhouse, apartment or any other unit of multiple-family housing.

Community residential home. Pursuant to F.S. § 419.001, a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice or the Department of Children and Families, or licensed by the Agency for Health Care Administration, which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Comprehensive Plan. Town of St. Leo Comprehensive Plan 2045, Town of St. Leo, Florida or as may be amended from time to time.

Density. The number of dwelling units per acre of land.

Design compatibility. Means sensitivity of a building design to the existing character of a neighborhood, surrounding blocks, or historic or special area. This is measured by how the design of a building or project relates to the design elements of the surrounding natural/physical and manmade environment. Compatibility measures include, but are not limited to, the following: building relationship to the street (such as height, facade details, landscaping, activities), the rhythm of spacing between buildings, the use of building materials which match in dimension, color, pattern and finish/texture, and building scale and mass.

Development or development activity. The change in use of, addition to or improvement of property, including but not limited to the following activities:

1. Construction, clearing, filling, excavating, grading or paving or otherwise significantly disturbing the soil of the site.
2. Building or installing a new building/structure, walls/fences, sign or parking areas.
3. Enlarging, replacing or substantially restoring a building/structure, sign or parking areas.
4. Dividing land into two or more parcels.

Dock or boathouse. A fixed or floating structure, including but not limited to moorings, piers, wharves. standalone pilings, platforms, walkways, roofed structures and boat lifting equipment over or alongside, which may be used for, but not limited to, the purpose of berthing buoyant vessels, fishing, or swimming. A dock may include a boat slip, which is defined as a boat berthing space located totally within and interior to the dock.

Dwelling. A building designed or used primarily for living quarters for one (1) or more families.

Dwelling unit. A single unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation.

Family. One or more persons occupying a premises and living as a single nonprofit housekeeping unit.

Floating solar facility. As defined in F.S. § 163.32051, a solar facility that is located on a wastewater treatment pond, abandoned limerock mine area, stormwater treatment pond, reclaimed water pond, or other water storage reservoir.

Floor area ratio (FAR). A nonresidential land-use intensity measure analogous to density. It compares the floor area of a building with the total area of the site in the form of a ratio. Floor area is the sum of all floor areas of a building or structure, not just the ground floor area.

Height of building/structure. A vertical distance from the finished grade at the base of the building/structure to the highest point of the building/structure or roof peak or as may be defined in other sections of this Land Development Code. For buildings/structures on sloped property (ten percent slope or greater), the horizontal midpoint of the building/structure shall be used to measure height.

Hillside. A hill (an elevated landform with a rounded top) with an elevation of 20 feet or higher from the base to the hilltop with a slope of 15 percent or greater.

Hillside brow. Means that portion of the hill that is the separator between the hilltop that is level or gently sloping and the hillside that is steeply sloped.

Impervious surface. An area that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. This includes, but is not limited to, areas paved with concrete, asphalt or similar materials.

Impervious surface ratio (ISR). The gross area of all impervious surfaces on a lot divided by the lot area.

Lot. A piece, parcel or plot of land occupied or to be occupied by one principal building or use and its accessory buildings and embracing the open spaces required under these ordinances.

Lot, corner. A lot abutting upon two or more streets at their intersection.

Lot coverage. The number determined by dividing that area of a lot, which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the lot area.

Lot, depth. The horizontal distance between the front and rear lot lines.

Lot, interior. A lot other than a corner lot, and abutting one street. Alleys shall not be considered as streets.

Lot, line. Any lot line separating a lot from a street right-of-way or general access easement. Where a lot line is located within such street right-of-way or easement, the right-of-way or easement boundary adjacent to the lot shall be considered the street lot line.

Lot of record. A lot which is part of a subdivision, the map of which has been recorded in the office of the Circuit Court Clerk of Pasco County or a parcel of land, the deed of which was recorded in the office of the Circuit Court Clerk of Pasco County prior to December 12, 2005.

Lot, through. A lot other than a corner lot and with frontage on more than one street.

Lot line adjustment. The sale or exchange of small parcels of land to or between adjoining property owners, where such property has a common boundary line, and such sale or exchange does not create additional lots.

Lot merger or consolidation. A re-mapping of two or more adjacent lots or parcels of land, combining them into one larger parcel.

Lot split. A tract of land divided into two lots for the purpose of transferring ownership or for development.

Lot width. The horizontal distance measured along a straight line connecting the points where the rear of the required yard line meets the interior lot lines or, if on a corner, the other rear of the required front yard.

Manufactured (pre-fab) home. A home fabricated in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing an insignia of approval from the Florida Department of Business and Professional Regulation, which is considered the same as a conventionally constructed (site built) structure as required by Florida Statutes, and is not considered a mobile home.

Mobile home. A residential structure, transportable in one or more sections, which is eight body feet or more in width, over 35 body feet in length with the hitch, built on an integral chassis, designed to be used as a dwelling unit when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Mobile homes must meet the standards as promulgated by the United States Department of Housing and Urban Development. Homes fabricated in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing an insignia of approval from the Florida Department of Business and Professional Regulation, are not considered to be mobile homes and are considered the same as conventionally constructed (site built) structures as required by Florida Statute.

Mobile home park. A parcel of land developed or intended to be developed for placement of two or more mobile homes or factory built units.

Nonconforming use. An established use of building or land lawful prior to the adoption of this Land Development Code that does not conform to and with the permitted use provisions of the Land Development Code for the district in which it is located.

Open space. Public or private land or water area that is essentially unimproved. Open space may be used for outdoor passive recreation or outdoor active recreation activities. Outdoor gathering places that incorporate landscaped areas and pedestrian amenities such as plazas, terraces, walkways and fountains may qualify as open space. Typically, open space will be unimproved and/or landscaped areas that consist of pervious surfaces. Open space areas used for

recreational uses and outdoor gathering places may have up to ten percent of the total open space in impervious surfaces. Storm water ponds shall be considered as open space.

Religious facility. A structure in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. A place of religious assembly may also include structures for related religious activities on the same site such as educational buildings, administrative buildings and sleeping quarters for personnel (parsonage, convent, monastery, etc.). As part of this definition, uses such as daycare, elementary or secondary schools, colleges/universities, assisted living facilities, professional residential facilities, and emergency shelters are not included as "related religious activities" without proper approval by the Town Commission for such use.

Resiliency facility. As defined in F.S. § 163.3210, a facility owned and operated by a public utility for the purposes of assembling, creating, holding, securing or deploying natural gas reserves for temporary use during a system outage or natural disaster.

Satellite dish. Any device designed to receive radio or television signals from a communication satellite, the highest point of which when installed, exceeds three feet above ground level.

Solar facility. As defined in F.S. § 163.3205, a production facility for electric power that (a) uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system and consumed primarily offsite; (b) consists principally of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment and associated components; and (c) may include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment and related accessory uses and structures.

Street. Any public way dedicated to public travel. This definition of the word "street" shall also cover the words "road," "highway" and "thoroughfare."

Street line. A line dividing a lot from a street easement or right-of-way.

Structure. Any structure or building constructed or used for residence, business, industry, storage or other public or private purposes, or accessory thereto, including tents, lunch wagons, trailers, mobile homes, signs, fences and similar structures whether stationary or movable.

Subdivision. The division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided. The division of land into parcels five acres or more not involving the construction of or any change in street lines or public easements shall not be deemed to be a subdivision or require PUD review.

Transient unit. Any single or multi-family dwelling unit, room or rooms, or other living quarters designed to be occupied by one or more persons and rented for less than 180 days.

Transient units include hotels, motels and resorts, and single or multi-family units rented for less than 180 days.

Unit. Shall mean a mobile home, factory built housing, the land areas assigned thereto, access thereto, and parking area for one vehicle (parking area for one vehicle shall mean an area of land equal to 300 square feet located off-street).

Use, accessory. A use that is incidental and subordinate to the principal use on the same lot.

Use, principal. The use, purpose or activity for which a building, structure or land is or is proposed to be occupied or maintained that is permissible within the zoning district.

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 line, except as specified by Subsection 701.1.

Yard, front. The yard extending across the entire width of the lot between the front lot line and the nearest portion of the principal building.

Yard, rear. The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

Yard, side. The yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest portion of the principal building.

SECTION 106 – COMPREHENSIVE PLAN ADOPTED

The Town adopts the Comprehensive Plan 2045, and as may be amended.

SECTION 107 – REQUIRED CONSISTENCY WITH THE COMPREHENSIVE PLAN

This Code shall be consistent with the Town of St. Leo Comprehensive Plan. Any amendment to this Code must be consistent with the Comprehensive Plan in effect at the time of the proposed amendment to this Code. An amendment to this Code shall be consistent with the Comprehensive Plan if it implements the Goals, Objectives, Policies and strategies and any vision statement contained in the Comprehensive Plan. No development may be approved unless it is determined that the proposed development is consistent with the Comprehensive Plan. Where there is a conflict between this Code and the Comprehensive Plan, the Comprehensive Plan shall govern. Interpretation of this Code shall be made by the Town Commission or its designee. The Comprehensive Plan shall be utilized in making such interpretations. Interpretations must be made in writing and kept on file in the Town Clerk's office.

Subsection 107.1 – Monitoring and evaluation of the Comprehensive Plan

The Comprehensive Plan shall be updated and/or amended pursuant to the requirements of Florida law.

SECTION 108 – AMENDMENT OF THIS CODE

This Code may be amended from time to time in accordance with the procedures and standards set forth under this section. The purpose of this section is not to relieve particular hardships and not to confer special privileges or rights on any person, but only to make adjustments to the text of this Code that are necessary in light of changed conditions or changes in public policy or that are necessary to implement the Comprehensive Plan or to advance the welfare of the Town.

Subsection 108.1 – Initiation

An amendment to the text of this Code may be initiated by the Town Commission.

Subsection 108.2 – Ordinance, public hearing requirements

Amendments to this Code shall be adopted via ordinance. Public hearings to consider and adopt amendments to this Code shall be duly noticed in accordance with the general procedures and requirements of F.S. § 166.041 and all other applicable laws. The Town Attorney shall provide all requirements of Florida Law which require mailing, posting and/or publication of notices and advertisements in newspapers of general circulation to ensure that real property owners are put on notice of proposed action to be taken by the Town Commission concerning this Code and the Comprehensive Plan. The Town Clerk shall ensure that these notices are mailed, posted and/or published in a timely fashion in compliance with F.S. § 166.041.

Subsection 108.3 – Legal requirements and public involvement in the planning process

(A) The Local Planning Agency and Town Commission meeting schedules shall be published and posted in the Town at all of the locations where the Town normally posts public notice.

(B) There shall be available at all Local Planning Agency meetings, at all Town Commission meetings, and at all times in the office of the Town Clerk, public comment forms which may be used by the public to provide written comments to the Local Planning Agency and to the Town Commission concerning any portion of the present Comprehensive Plan, this code and any proposed amendments to either of these governing documents. Any written comments received from the public shall be presented to the Local Planning Agency and to the Town Commission at their next respective meetings.

(C) All notices of the Local Planning Agency meetings or Town Commission meetings concerning action on the Comprehensive Plan or this code shall invite the public to attend and make comments.

(D) The Town Clerk shall keep written minutes of the Local Planning Agency and Town Commission meetings and shall maintain all minutes in a file available to the public for review. In addition, the Town Clerk shall also maintain in a file available to the public all Comprehensive Plan supporting data and planning documents developed by the Local Planning Agency and the Town Commission.

Subsection 108.4 – Recommendation of the Local Planning Agency

The Local Planning Agency shall consider the proposed amendment and provide a recommendation to the Town Commission, addressing consistency with the Comprehensive Plan. The Local Planning Agency may also provide comments, including recommended changes to the proposed amendment and additional issues to be considered. The Town Administrator or designee shall forward the recommendation and comments of the Local Planning Agency, together with recommendations by the Town Planner to the Town Commission for consideration in the public hearing(s) in which the proposed amendment will be considered.

Subsection 108.5 – Action by the Town Commission

The Town Commission may:

1. Determine that the proposed amendment is consistent with the Comprehensive Plan and Subsection 102.2 of this code; and adopt the amendment as proposed, or with such modifications as are necessary to ensure consistency with the Comprehensive Plan and Subsection 102.2; or

2. Refer the matter back to the Local Planning Agency for further consideration; or

3. Determine that the proposed amendment is not consistent with the Comprehensive Plan or Subsection 102.2 of this code; and reject the proposed amendment.

Subsection 108.6 - Amendment of this code before October 1, 2027, or after hurricanes

A. Pursuant to Section 28 of Chapter 2025-190, Laws of Florida, to the extent that any amendment to this Code is proposed or adopted on or after August 1, 2024, and before October 1, 2027, and is more restrictive or burdensome as compared to the version of the Code that existed prior to August 1, 2024, such amendment shall be null and void ab initio. This provision shall also apply to any more restrictive or burdensome amendment to a Code-authorized resolution, manual, or written procedure concerning review, approval, or issuance of a site plan, development permit, or development order.

B. Pursuant to F.S. § 252.422, the Town may not propose or adopt any more restrictive or burdensome amendment to this Code for a period of one year after landfall of a hurricane for which the Town is considered an “impacted local government”. For the purposes of this paragraph, the Town shall be considered an “impacted local government” if Pasco County is listed in a federal disaster declaration and is located entirely or partially within 100 miles of the track of a storm declared to be a hurricane by the National Hurricane Center while the storm was categorized as a hurricane. This provision shall also apply to any more restrictive or burdensome amendment to a Code-authorized resolution, manual, or written procedure concerning review, approval, or issuance of a site plan, development permit, or development order.

C. Notwithstanding paragraphs (A) and (B) above, an amendment to this Code, a site plan, a development permit, or a development order may be enforced if the associated application is

initiated by a private party other than the Town, and the property that is the subject of the application is owned by the initiating private party.

SECTION 109 – FEES

The Town Commission is authorized to adopt and update, by resolution, all necessary fees to administer, implement and enforce this Code. The said fee resolution may include provisions for consulting assistance as required.

SECTION 110 – CODE ENFORCEMENT, PENALTIES AND REMEDIES

Subsection 110.1 – Code enforcing officer

The provisions of this Code shall be administered and enforced by the Town Administrator or designee. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Town Administrator or designee has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing system unsafe, dangerous or hazardous, the Town Administrator or designee may enter such building, structure or premises at all reasonable times to inspect the same. All entry shall be with the consent of the owner or occupant of the building, structure or premises or, in the case of non-consent, by search warrant, inspection warrant or court order, except in the case of an emergency situation that appears to pose a serious threat to life, health or safety. When the Town Administrator or designee has obtained a proper warrant, order, or consent to secure entry, it is a violation of this code for any person to prevent, refuse or interfere with prompt entry therein by Town Administrator or designee for the purpose of inspection and examination pursuant to this Code.

Subsection 110.2 – Code enforcement procedure

A. Under this Code, it shall be the duty of the Town Administrator or designee to initiate enforcement proceedings. No member of the Town Commission shall have the power to initiate enforcement proceedings.

B. Except as provided in paragraphs (D) and (E) of this subsection, if a code violation is found to exist, the Town Administrator or designee shall notify the violator in writing and give them a reasonable time to correct the violation. The written notice of violation or citation shall contain a reference to the particular section of this Code or other ordinances alleged to have been violated and a short, plain statement of the matters asserted by the Town Administrator.

C. Except as provided in paragraphs (D) and (E) of this subsection, if the Town Administrator has reason to believe a violation still exists beyond the time specified for correction in the notice of violation, the Town Administrator shall notify the Town Commission and request a hearing. Written notice of such Town Commission hearing shall be hand delivered or sent by certified mail to the violator, as provided in F.S. § 162.12. Notice may also be served by publication or posting, as provided in F.S. § 162.12. The notice shall contain a statement of the time, place and nature of the hearing before the Town Commission. If the violation is corrected and then recurs, or if the violation

is not corrected by the time specified for correction by the Town Administrator, the case may be presented to the Town Commission even if the violation has been corrected prior to the Town Commission hearing, and the notice of hearing shall so state.

D. If a repeat violation is found, the Town Administrator or designee shall notify the violator, but is not required to give the violator a reasonable time to correct the violation. The Town Administrator or designee, upon notifying the violator of a repeat violation, shall notify the Town Commission, shall schedule a hearing and provide notice pursuant to F.S. § 162.12. The case may be presented to the Town Commission even if the repeat violation has been corrected prior to the hearing, and the notice of hearing shall so state. If the repeat violation has been corrected, the Town Commission retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay such costs as determined by the Town Commission.

E. If the Town Administrator has reason to believe a violation presents a serious threat to the public health, safety and welfare or if the violation is irreparable or irreversible in nature, the Town Administrator or designee shall make a reasonable effort to notify the violator and may immediately notify the Town Commission and set a hearing.

F. The date for the hearing contained in the notice shall not be less than 14 days from the date the notice of hearing is issued, unless the Town Administrator has reason to believe the violation presents a serious threat to the public health, safety and welfare, in which case notice of less than 14 days shall be acceptable, provided the Town Administrator or designee has made a reasonable effort to notify the violator of the pending hearing.

G. If a violator fails to appear at the Town Commission hearing, the Town Commission may enter an order against the violator requiring correction or abatement of the violation. However, the enforcement of such an order may be stayed if any violator who has failed to appear files a request for a rehearing within ten days from the date the order is rendered and affirmatively alleges good cause for such failure to appear. In such case, the violator will be rescheduled for a hearing before the Town Commission at the next scheduled meeting or at such other set by the Town Commission, and if the Town Commission finds good cause existed for the violator's failure to appear, the previous order shall be rescinded and a new hearing conducted immediately. If the Town Commission finds a lack of good cause for the failure to appear, the previous order shall stand and the stay shall be lifted.

Subsection 110.3 – Code violation hearing procedures

A. Upon request of the Town Administrator, or at such other times as may be necessary, the Mayor may call a meeting of the Town Commission regarding a code enforcement case. A hearing regarding a code enforcement case may also be called by written notice signed by at least three members of the Town Commission. Minutes shall be kept of all hearings by the Town Commission, and all proceedings shall be open to the public.

B. Each code enforcement case before the Town Commission shall be presented by the Town Administrator or designee.

C. The Town Commission shall hear testimony under oath, and it shall be audio recorded pertaining to code enforcement cases. The Town Commission shall take testimony from the Town Administrator or designee and the alleged violator. Formal rules of evidence shall not apply; however, fundamental due process shall be observed, and all parties shall have an opportunity to respond; to present evidence, witnesses and argument on all issues involved; to conduct cross examination; and to submit rebuttal evidence.

D. At the conclusion of the hearing, the Town Commission shall, by motion and vote, issue findings of fact based on evidence of record and conclusions of law and issue an order affording the proper relief consistent with the powers granted herein. The Town Commission's findings shall be by motion and approved by a majority of those members present and voting, except that at least three members of the Town Commission must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be subsequently imposed, and, under the conditions specified in F.S. § 162.09(1), the cost of repairs may be included along with the fine if the order is not complied with by said date. The order shall be written and a certified copy of such order shall be recorded in the public records of Pasco County and shall constitute notice to any subsequent purchasers, successors in interest or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the Town Commission shall issue an order acknowledging compliance that should be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

Subsection 110.4 – Code violation administrative fines; costs of repair; liens

A. Upon notification by the Town Administrator that an order of the Town Commission regarding a code enforcement case has not been complied with within the time set or upon finding that a repeat violation has been committed, the Town Commission may order the violator to pay a fine in an amount specified in paragraph (B) of this subsection for each day the violation continues past the date set for compliance or, for a repeat violation, for each day the repeat violation continues past the date of notice to the violator of the repeat violation. In addition, if the violation is a violation described in Subsection 110.2(E), the Town Commission may authorize the completion of all reasonable repairs required to bring the property into compliance and charge the violator with the reasonable cost, along with the fine imposed, pursuant to paragraph (B) of this subsection. If a finding of a violation or a repeat violation has been made as provided in this subsection, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the Town Commission finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine pursuant to paragraph (B) of this subsection.

B. Determination of the amount of the fine shall be as follows:

(1) A fine imposed pursuant to this subsection shall not exceed $250.00 per day for a first violation and shall not exceed $500.00 per day for a repeat violation, and, in addition, may include the costs of repairs described above in paragraph (A) of this subsection; however, if the Town Commission finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed $5,000.00 per violation.

(2) In determining the amount of the fine, if any, the Town Commission shall consider the following factors:

a. The gravity of the violation;

b. Any actions taken by the violator to correct the violation; and

c. Any previous violations committed by the violator.

(3) The Town Commission may reduce a fine imposed pursuant to this subsection at its discretion when requested by the violator or the Town Administrator.

C. A certified copy of an order imposing a fine may be recorded in the public records of Pasco County and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against personal property, but such order shall not be deemed otherwise to be a judgment of a court, except for enforcement purposes. A lien arising from a fine imposed pursuant to this subsection runs in favor of the Town of St. Leo, and the Town Commission may execute a satisfaction or release of lien entered pursuant to this subsection. A fine imposed pursuant to this subsection shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this subsection, whichever occurs first. After three months from the filing of any such lien which remains unpaid, the Town Commission may authorize the Town Attorney to foreclose on the lien; however, no lien may be foreclosed on real property which is a homestead under Fla. Const. art. X, § 4.

D. No lien created by this subsection shall continue for a longer period than 20 years after the certified copy of an order imposing a fine has been recorded in the public records of Pasco County, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that the party incurs in the foreclosure. The continuation of the lien affected by the commencement of the action shall not be good against creditors or subsequent purchasers for value consideration without notice, unless a notice of lis pendens is recorded.

Subsection 110.5 – Code violation remedies

If any other ordinance in the Code of Ordinances provides an alternate remedy for the prosecution of a violation, the Town Administrator or designee shall have the discretion to use the alternate remedy in lieu of the remedies provided in this Code.

Subsection 110.6 – Code violation appeals

An aggrieved party may appeal a final order of the Town Commission to the circuit court of the county. An appeal shall be filed within 30 days of the execution of the order to be appealed and shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Town Commission.

CHAPTER 200 – DECISION MAKING BODIES AND OFFICIALS

SECTION 201 – GENERAL PROVISIONS

The purpose of this chapter is to establish the authority for review and consideration of permit applications and other proposed actions in the Town and to assign such authority to the following governing bodies and officials:

1. Town Commission
2. Local Planning Agency
3. Administrative Officials

Subsection 201.1 – Delegation of Authority

A. The Town Commission is authorized to create boards and agencies to administer the provisions of this Code under the authority prescribed by such regulations and State law. The delegation of authority to these boards and the Town administrative officials shall be as set forth in this Code.

B. The Town Commission shall have the authority to appoint necessary personnel, designate the proper agencies, and promulgate and establish the necessary rules and regulations for the proper enforcement of this Code.

C. Whenever a Town administrative official is authorized to do some act or perform some duty, it is to be construed to authorize delegation to an appropriate subordinate to perform the authorized act or duty unless the terms of the provision or section specify otherwise.

D. The Town Commission hereby retains full discretion to interpret and apply the provisions hereof as it shall deem appropriate, and nothing in this subsection shall be construed to mean that the Town Commission relinquishes any legislative or quasi-judicial authority over the Town.

Subsection 201.2 – Ethics and Sunshine

All Town boards, commissions, committees and administrative officials are subject to the applicable provisions of the Code of Ethics for Public Officers and Employees, F.S. ch. 112, Part III, as amended; and the Florida's Government in the Sunshine Law, F.S. § 286.011, as amended.

SECTION 202 – TOWN COMMISSION

Subsection 202.1 – Final Determination

The Town Commission shall render final determinations pertaining to the amendment of the Comprehensive Plan, amendments to this Code, amendments to the Town zoning map, any development order, or any development or use approval, except where authority for a final determination is delegated to another agency or administrative official pursuant to this Code.

SECTION 203 – LOCAL PLANNING AGENCY

Subsection 203.1 – Commission Designated Local Planning Agency

A. The Local Planning Agency is established pursuant to F.S. § 163.3174 and shall have at minimum all duties and responsibilities as required by Florida Law.

B. The Town hereby designates its Town Commission as its Local Planning Agency to be responsible for the preparation of the Comprehensive Plan for the Town and for the preparation of materials, documents and criteria required by the Community Planning Act, F.S. §§ 163.3161 - 163.3248.

C. The Town retains for itself and the designated Local Planning Agency all rights, duties and responsibilities allowed under its Charter and ordinances with regard to planning within its geographic boundaries, but wishes to coordinate its functions with those of other state and local planning agencies, relative to surrounding areas.

Subsection 203.2 – School District Representative

The Local Planning Agency shall include as a nonvoting member a representative of the District School Board of Pasco County who is appointed by the same. This representative shall attend, at minimum, those meetings at which the Local Planning Agency considers proposed Comprehensive Plan amendments and rezonings that would, if approved, increase residential density on property that is the subject of the application.

SECTION 204 – ADMINISTRATIVE OFFICIALS

Subsection 204.1 – Town Administrator

A. Except where State law or the Town Commission has specifically delegated authority to some other person, body or entity, or specifically reserved authority to itself, the Town Administrator or designee is authorized to perform all administrative functions of the Town government relating to the administration of the Land Development Code.

B. For the purpose of carrying out the provisions and requirements of this Code and all rules and regulations made pursuant thereto, the Town Administrator or designee is duly authorized and empowered by the Town Commission to investigate possible violations; inspect premises, to the extent allowed by law; and to issue violation warnings and citations to persons violating the terms of the Land Development Code. The Town Administrator or designee shall have the authority to

investigate all alleged violations; to provide evidence to the State or Town Attorney's Office relative to such violations; and to testify on matters relating to this Code, regulations, or investigations conducted in accordance with such regulations. Furthermore, the Town Administrator or designee shall be responsible for the interpretation and for the enforcement of this Code through appropriate administrative determinations. In any quasi-judicial or judicial proceeding, the administrative interpretation of any provision of this Code shall be presumed to be correct, unless such interpretation is clearly proven to be arbitrary, unreasonable, or contrary to law.

C. The powers and duties of the Town Administrator or designee, for the purposes of the Land Development Code, may include those listed below and any other duties specifically cited in this Code.

1. To approve Development Order application criteria deviations where appropriate and authorized by this Code.
2. To make all necessary site visits and field inspections and, where necessary and approved by the Town Commission, to retain experts as they may deem necessary to report on technical issues.
3. To interpret the provisions of this Code, subject to the provisions of this Code governing appeals and judicial proceedings.
4. To review and issue final administrative Development Orders as provided in this Code.
5. To make recommendations to the Local Planning Agency and Town Commission.

D. Except as expressly provided in this Code for administrative variance, the Town Administrator or designee shall not have the authority to permit any construction, use or change of use which does not conform with the provisions of the Land Development Code, the Florida Building Code, and any applicable state or federal law.

CHAPTER 300 – PROCEDURES

SECTION 301 – APPLICABILITY AND GENERAL PROVISIONS

Subsection 301.1 – Intent and purpose

The intent and purpose of this chapter is to provide the common procedures and general standards for processing of permit applications that are submitted to the Town for review under this Code. All permit applications shall comply with these provisions, unless as specifically provided otherwise, and the applicable standards of this Code and as may be required by other Federal, State, or local regulation.

Subsection 301.2 – Applicability

The provisions of this chapter shall apply to all permits except for subdivisions, building permits and certificates of occupancy. Subdivision application procedures shall comply with Chapter 500 of this Code, and building permit and certificate of occupancy procedures shall comply with Chapter 14 of Part II, Town of St. Leo Code of Ordinances.

Subsection 301.3 – Misrepresentation

If the Town Commission, Local Planning Agency, or Town Administrator or designee, makes a final determination that any existing or previously approved Development Order, or portion thereof, was not adequately reviewed for compliance based upon lack of disclosure, or misrepresentation by the applicant, the development shall be subject to additional review for compliance with those regulations, as amended, that were avoided due to the failure to disclose or misrepresentation by the applicant. If such review causes other portions of the development to be redesigned, those areas shall also be reviewed for compliance with applicable provisions of this Code and the Comprehensive Plan in effect at the time the failure to disclose or misrepresentation was discovered.

Subsection 301.4 – Concurrent Permit Applications

The Town may consider concurrent permit applications related to the same development or use project under a single review procedure in the following cases:

1. If a PUD proposes a Special Exception Use, the Special Exception Use shall be reviewed as part of the PUD process and not through a separate Special Exception Use review process. However, the applicant must submit a completed Special Exception Use permit application, and the Special Exception Use submittal requirements and review criteria shall be addressed as part of the PUD review process.

2. Variances may be reviewed as part of a primary permit application review process without a separate Variance review process. However, the applicant must submit a completed Variance permit application, and the Variance review criteria shall be addressed as part of the primary permit application review process. If the primary permit application under which a Variance is sought is administrative (e.g. general site development permit, sign permit, tree removal permit, etc.), the primary permit application, together with the Variance application, shall be subject to the minimum procedural standards for Variances, including pre-application, notice and public-hearing requirements.

SECTION 302 – DEVELOPMENT ORDER REQUIRED

A. Prior to undertaking any development or use of land in the Town, an approved Development Order shall be obtained in accordance with the procedures of this chapter and the applicable application requirements of Chapter 400, unless specifically exempt therein. All development and

use of land, whether or not subject to specific permit application procedures, is subject to all other provisions of this Code.

B. A building permit may not be issued unless the proposed development activity (unless specifically exempted) is authorized by an approved Development Order processed pursuant to this chapter.

C. No earth moving, utility work, grading, construction or development activity (unless specifically exempted) may be undertaken unless authorized by an approved Development Order pursuant to this chapter.

SECTION 303 – NEIGHBORHOOD WORKSHOPS

Subsection 303.1 – Neighborhood workshops encouraged

The intent and purpose of a neighborhood workshop is to provide an opportunity for early citizen participation in an informal forum in conjunction with certain significant permit applications, and to provide an applicant the opportunity to understand any impacts the community may experience. These workshops should provide residents and property owners with an opportunity to learn about applications that may affect them and to communicate with the applicant in an informal setting to address concerns at an early stage of the process. A neighborhood workshop is not intended to produce a complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making. In planning a neighborhood workshop, the applicant should provide an overview of the proposed land use and/or development and solicit comments, feedback and input. The applicant is encouraged to provide notice to area residents and property owners through the use of promotional flyers, signage electronic communications and/or mailings, as is deemed appropriate and feasible by the applicant.

Subsection 303.2 – Timing and applicability

A neighborhood workshop should be conducted prior to the initial public hearing, if applicable. A neighborhood workshop is strongly encouraged for the following types of permit applications:

1. Zoning Map Amendments
2. Special Exception Uses
3. Planned Unit Development
4. Subdivisions

Subsection 303.3 – Workshop summary

The applicant should provide summary documentation of a neighborhood workshop, if held, to the Town prior to the first public hearing, if applicable, for consideration by the Town Planner or Town Commission as applicable. Documentation should include:

1. Identification of where and when the workshop was held;
2. Copies of any promotional materials used, such as fliers, mailers and/or signage;
3. A copy of the workshop sign-in sheet, if used; and
4. A narrative summary of the general number of participants, questions or concerns expressed by participants and the applicant's responses to each.

SECTION 304 – PUBLIC NOTICE REQUIREMENTS

Subsection 304.1 – Intent and purpose

The Town recognizes that meaningful public participation is essential to sound planning and responsible growth management. The intent of public notice requirements is to increase the likelihood that Town residents and property owners are well informed of certain permit applications and to advise them of the opportunity to speak at public hearings. The applicant is responsible for complying with these public notice requirements and the applicable statutory requirements.

Subsection 304.2 – Public notice required

Applications that require a public hearing as part of the approval process must provide proper notice to the public. Failure by the applicant to provide for the public hearing notice as required under this section may be cause for the Town Commission to defer action or deny the application without prejudice.

Subsection 304.3 – Types of Public Notice

Forms of notice required for various public hearings to consider non-administrative permit applications may include mailed notice or notice published in a newspaper of general circulation in the Town. The types of notice that may be required are described below and designated according to permit application type in Table 304.3.

1. *Mailed*. Where a mailed notice is required, the applicant shall be responsible for providing notice of the public hearings to the surrounding owners of property within 1,000 feet, excluding the distance over water bodies, of the perimeter of the subject property boundaries. At a minimum, at least the five closest abutting property owners shall be notified. Said notice shall be on a public hearing notice form provided by the Town of St. Leo and mailed by the applicant at least 15 calendar days prior to the initial public hearing via U.S. Postal Service with a certificate of mailing. A copy of the certificate of mailing shall be provided to the Town Clerk at least five calendar days prior to the initial public hearing date.
2. *Published*. Where a published notice is required, the application shall be formally advertised for public hearings before the Town Commission in a newspaper of general circulation in the Town. Said advertisement must occur at least seven days prior to the initial public hearing. The applicant shall be responsible for paying all

advertising costs prior to the initial public hearing. Costs shall be as determined by the Town Clerk.

TABLE 304.3 Public Notice Requirements for Non-Administrative Permit Applications

Application Type	Permit Category	Mailed	Published
Zoning Map Amendment	Zoning Map Amendment	X	X
Special Exception Use	Use	X	X
Conditional Use	Use	X	X
Alternative Use	Use	X	
Planned Unit Development	Site Development	X	X
Variance (non-administrative)	Variance	X	X

SECTION 305 – PRE-APPLICATION MEETING

Subsection 305.1 – Purpose and intent

The Town shall require applicants for certain substantial permit applications to meet with Town staff at a pre-application meeting. The purpose of this meeting is to give the applicant the benefit of comments about the advisability of undertaking a permit application as well as an overview of application procedures and requirements.

Subsection 305.2 – Applicability

A. A pre-application meeting shall be required prior to formally submitting an application for the following permits:

1. Zoning Map Amendment
2. Variance
3. Alternative Use
4. Planned Unit Development

B. A pre-application meeting is encouraged prior to formally submitting an application for the following permits:

1. Special Exception Use

Subsection 305.3 – Pre-application meeting procedure

The applicant shall provide to the Town a brief overall project description, including location and conceptual plan as appropriate to the project. Town staff shall discuss with the applicant the relevant procedures and requirements for the permit application and review, including associated fees. No person may rely upon any comment made by anyone at a pre-application meeting or related correspondence as a representation or implication that the proposal will be ultimately

approved or rejected in any form. Materials provided to the Town at a pre-application meeting shall be retained in the files of the Town Clerk as public records.

SECTION 306 – APPLICATION SUBMITTAL AND ACCEPTANCE

Subsection 306.1 – Submittal

After completing a pre-application meeting, if required, the applicant may formally submit a permit application according to the requirements of Chapter 400 of this Code.

Subsection 306.2 – Outside costs

The filing of the application constitutes the applicant's agreement to be responsible for any and all reasonable outside costs to the Town for the review of the application and associated materials. The applicant shall provide a retainer deposit at the time of application submittal for anticipated costs incurred by the Town, including but not limited to engineering fees for services provided by the Town Engineer, planning services provided by the Town Planner and attorney's fees for services provided by the Town Attorney, all of which are provided for the benefit of the applicant in connection with the site plan review and approval process, regardless of whether the project is approved or not. Throughout the time of the review, if retainer deposit is exhausted, applicant is required to replenish this fund. Failure to do so will result in a pause of the review of the application until the replenishment funds are received. Any amount remaining from that deposit at the conclusion of the review will be returned to the applicant upon issuance of the development order.

Subsection 306.3 – Completeness review required

All permit applications must be reviewed for completeness by the Town as required by F.S. § 166.033.

Subsection 306.4 – Completeness review process

Upon receipt of a permit application, the Town Administrator or designee shall timestamp and review each application for completeness in compliance with F.S. § 166.033. All timetables shall restart at any point of the review if the applicant proposes an increase to the density, intensity or square footage of the proposed project by 15% or more.

1. *Acknowledge Receipt*.

   Within five (5) business days of an application submittal, the Town Administrator or designee shall notify the applicant that the application has been received.

2. *Completeness Review*.

   Within 30 calendar days of receipt, the Town Administrator or designee shall review the application for completeness (complete or incomplete) and shall notify the applicant in writing accordingly:

   A. *Complete Application*.

An application shall be deemed complete if all required information and documents as outlined in Chapter 400 of this code have been prepared in accordance with professionally accepted standards, the Comprehensive Plan, the land development code, and all other applicable rules and regulations. The Town Administrator or designee is authorized to take into consideration and request from an applicant any other information which is reasonable and relevant to the formulation of a recommendation or a decision on the matter being reviewed. No application for review shall be deemed complete until all required information is provided.

B. *Incomplete Application*.

If an application is determined to be incomplete, the applicant shall be notified in writing with citations to the applicable regulation(s) and a specific request made for additional information that is required to continue or conclude review.

1. The application shall be deemed withdrawn unless the applicant responds, within the allotted timeframe, in one of the following ways:

    a. The applicant provides all the information requested within 30 calendar days of the notice of incompleteness.

    b. The applicant requests, in writing, for a time extension to provide the requested information. An extension of time may be granted by the Town Administrator or designee. For each application, any and all time extensions shall not exceed 180 days cumulatively.

    c. The applicant requests in writing that the application be processed in its present form. In this case, the applicant acknowledges that the application has been determined to be incomplete and that the final determination on the application shall be based on the information submitted, and the applicant waives the right to supplement the application with additional information. The application shall then be processed in its present form.

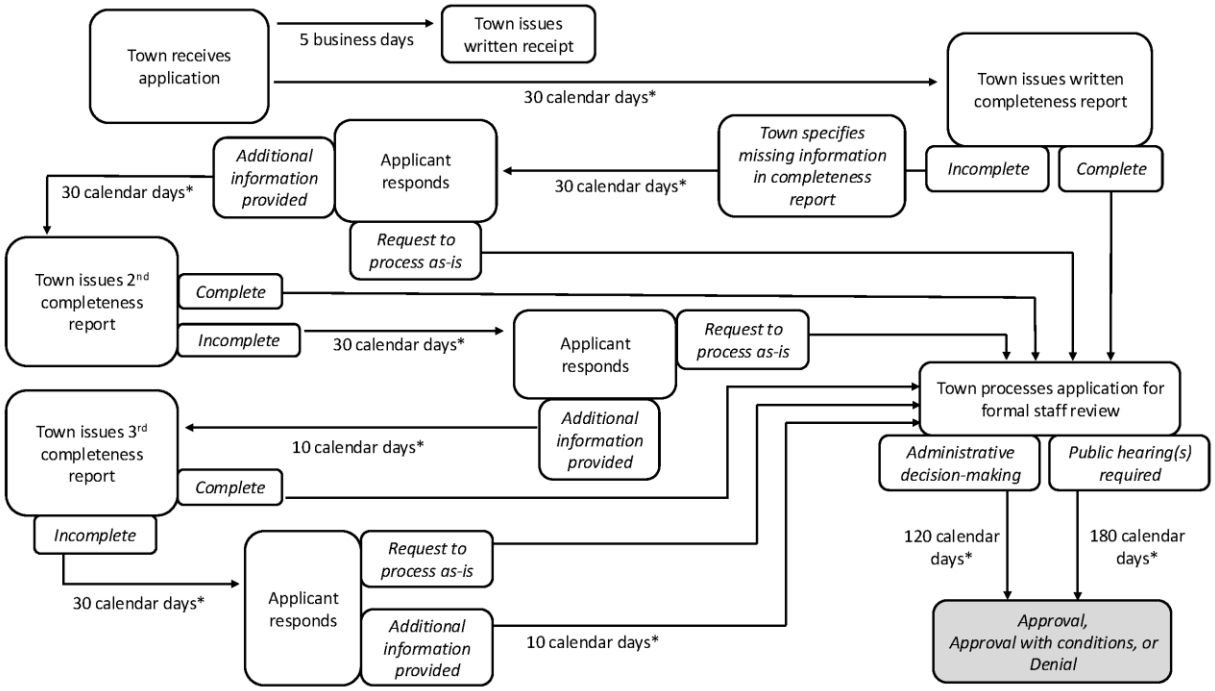
2. Within 30 calendar days of receipt of requested information, the Town Administrator or designee shall conduct a second completeness review and shall notify the applicant in writing whether the application is deemed complete or incomplete. If the application is again deemed incomplete, the Town Administrator or designee shall specify with particularity any areas that are

incomplete. The applicant may respond pursuant to subparagraph (2)B.1 above.

3. Within 10 calendar days upon receipt of a second set of requested information, the Town Administrator or designee shall conduct a third completeness review and notify the applicant in writing whether the application is complete or incomplete. Before requesting additional information for a third time, the Town Administrator or designee shall offer to meet with the applicant to attempt to resolve outstanding issues. The applicant may respond to a third request for additional information pursuant to subparagraph (2)B.1. above.

4. Within 10 calendar days upon receipt of a third set of requested information, the Town Administrator or designee shall commence processing the application for approval or denial as if it were complete, pursuant to F.S. § 166.033(3)a. However, if the applicant waives this requirement in writing, the Town Administrator or designee may continue to request and receive additional required information until the application is complete.

FIGURE 306.4 – Completeness Review Flowchart



SECTION 307 – APPLICATION REVIEW AND DEVELOPMENT ORDER

Subsection 307.1 – Compliance review and staff report

A. After an application is deemed complete, or the applicant requests the application be processed without additional requested information pursuant to Subsection 306.4(2)(B)1.c., the submittal packet will be routed to the Town Administrator or designee for compliance review.

B. All application compliance review shall be conducted by the Town Administrator or designee. The Town Administrator or designee shall review the permit application for compliance with the Comprehensive Plan, the requirements of this Code, and the review criteria specified in Chapter 400 that is applicable to the permit application type.

C. The Town Administrator or designee shall prepare a written staff report that includes:

1. Summary of the permit application details
2. Summary of the compliance, or lack thereof, with the Comprehensive Plan, the Land Development Code and the specific review criteria applicable to the application.
3. Recommendation to approve, approve with conditions or deny the application. If denial is recommended, specific reasons for denial must be provided.

Subsection 307.2 – Development order authority

All official Development Orders approving, approving with conditions or denying a permit shall be made either administratively by the Town Administrator or designee or via quasi-judicial proceedings at public hearing(s) by the Town Commission. Development Order authority is summarized in Table 307.2.

A. *Town Administrator*. The Town Administrator or designee shall have Development Order authority for the following permit application types, as provided under Chapter 400:

1. Temporary Use
2. General Site Plan
3. Subdivision (Plat)
4. Sign Permit
5. Tree Removal Permit
6. Variance, administrative

B. Town Commission. The Town Commission shall have Development Order authority for the following permit application types, as provided under Chapter 400:

1. Zoning Map Amendment (via Ordinance)
2. Special Exception Use (via Ordinance)
3. Conditional Use (Via Resolution)

4. Alternative Use (via Resolution)

5. PUD (via Ordinance)

6. Variance, non-administrative (via Resolution)

TABLE 307.2 – Development Order Authority and Procedure

Application Type	Permit Category	Development Order Authority	Development Order Procedure
Zoning Map Amendment	Zoning Map Amendment	Town Commission	Quasi-Judicial (Ordinance)
Special Exception Use	Use	Town Commission	Quasi-Judicial (Ordinance)
Conditional Use	Use	Town Commission	Quasi-Judicial (Resolution)
Temporary Use	Use	Town Administrator	Administrative
Alternative Use	Use	Town Commission	Quasi-Judicial (Resolution)
General Site Development	Site Development	Town Administrator	Administrative
PUD Site Development	Site Development	Town Commission	Quasi-Judicial (Ordinance)
Variance (administrative)	Variance	Town Administrator	Administrative
Variance (non-administrative)	Variance	Town Commission	Quasi-Judicial (Resolution)
Subdivision (Plat)	Subdivision	Town Planner	Administrative
Sign Permit	Miscellaneous	Town Administrator	Administrative
Tree Removal Permit	Miscellaneous	Town Administrator	Administrative

Subsection 307.3 – Timeframe for development orders

Pursuant to F.S. § 166.033, final development orders shall be issued within the specified timeframe from the date of receipt of complete application or written request to process pursuant to Subsection 306.4(2)(B)1.c.:

1. Within 120 days for development orders by the Town Administrator or designee; or

2. Within 180 days for development orders by the Town Commission

Subsection 307.4 – Development order procedure, administrative

A. Following completion of the compliance review staff report, the Town Administrator or designee shall issue to the applicant a written, signed final Development Order approving, approving with conditions or denying the permit. If denied, the specific reasons for denial shall be provided.

B. If the Town Administrator or designee issues a final Development Order that is not consistent with the recommendations of the compliance review staff report, the Town Administrator or designee shall provide specific reasons for the deviation.

C. A record of the permit application, staff report and final Development Order shall be maintained in the files of the Town Clerk.

Subsection 307.5 – Development order procedure, quasi-judicial

Following the completion of the compliance review staff report (or concurrent with same as necessary to comply with the statutory timeframe for final determination pursuant to Subsection 307.3), the Town Clerk shall set the time and place for public hearing(s) of the Town Commission to issue a final development order. Such public hearing(s) shall be noticed as required under Section 304.

A. *Development order via resolution*.

1. A public hearing of the development order resolution by the Town Commission shall be conducted as a quasi-judicial proceeding in compliance with the provisions of F.S. ch. 286 and all other applicable laws.

2. The compliance review staff report and recommendation shall be presented to the Town Commission as part of the public hearing proceedings.

3. Upon closing of the public hearing, the Town Commission may take the following action:

    a. Approve the development order resolution as submitted;

    b. Approve the development order resolution with specified conditions;

    c. Deny the development order resolution; or

    d. Continue the public hearing to a date certain not more than 60 days from the public hearing date.

B. *Development order via ordinance*.

1. The Town Commission shall consider the development order ordinance at two separate public hearings. The second public hearing and adoption shall be at least 10 days after the first public hearing.

2. Public hearings of the development order ordinance by the Town Commission shall be conducted as quasi-judicial proceedings in compliance with the provisions of F.S. ch. 286 and all other applicable laws.

3. The compliance review staff report and recommendation shall be presented to the Town Commission as part of the public hearings.

4. Upon closing of the second public hearing, the Town Commission may take the following action:

    a. Approve the development order ordinance as submitted;

    b. Approve the development order ordinance with specified conditions;

    c. Deny the development order ordinance; or

    d. Continue the public hearing to a date certain not more than 60 days from the public hearing date.

Subsection 307.6 – PUD development order durations and extensions

PUD approval shall be valid for 24 months after approval of the PUD or component phase. An applicant may submit a request for an extension of the PUD approval to the Town Commission if no building permit has been issued for the PUD or approved component phase. The Town Commission shall determine if an extension is warranted and may either (1) approve the extension, (2) approve the extension with conditions, (3) request additional information or (4) deny the request. No more than a total of two extension requests may be granted. The total cumulative extension of time for all extension requests shall not exceed more than three years.

Subsection 307.7 – Conditional approval

A. Where a development order has been approved with conditions, failure to meet and maintain all conditions of approval shall result in voiding the approval and/or enforcement procedures pursuant to Section 110.

B. The applicant shall submit to the Town Administrator or designee all final updated permit documentation as applicable to reflect the conditions of approval. The Town Administrator or designee shall confirm that the final project plans meet the conditions of approval, and that the project has not changed in any other material way that would violate any requirements of this code. If the Town Administrator or designee determines that a material change has occurred beyond those specifically addressing conditions for approval, then it shall be considered a modification of the development order pursuant to Subsection 307.8.

Subsection 307.8 – Binding development order

After a development order has been approved with or without conditions, it shall be unlawful to substantially change, modify, alter or otherwise deviate from the terms or conditions of the plan or development order without first obtaining an approval of the modification. The Town

Administrator or designee shall determine the type of permit review required for the modification, and a written record of the modification shall be maintained in the files of the Town Clerk.

Subsection 307.9 – Development order disclaimer, other agency permits

Pursuant to F.S. § 166.033, the Town shall include the following statements on all permits, other than building permits:

1. "Issuance of a development permit or development order by the Town of St. Leo does not create any right on the part of the applicant to obtain a permit from a county, state or federal agency and does not create any liability on the part of the Town for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a county, state or federal agency or undertakes actions that result in a violation of county, state or federal law."

2. "All other applicable county, state or federal permits shall be obtained before commencement of this development."

Subsection 307.10 - Modifications to an approved PUD

Pursuant to Subsection 307.8, an approved PUD development order shall be considered binding. However, an application may be considered to modify an approved PUD. Requests to modify an approved PUD shall entail a pre-application meeting pursuant to Section 305. Following the pre-application meeting, the Town Administrator or designee shall determine whether the proposal constitutes a major or minor modification. Upon approval of a development order to modify a PUD as provided below, the official Town Zoning Map shall be updated with a notation listing the new PUD ordinance (major modification) or resolution (minor modification).

A. *Major modifications*. Any of the following modifications to an approved PUD shall constitute a major modification and shall be subject to a new PUD site development permit application under Subsection 404.3:

1. Change in land use;

2. Expansion of the site development land area or any phasing area;

3. Increase in building square footage area exceeding 10 percent; or

4. Other substantial deviations constituting major modification as determined by the Town Administrator or designee.

B. *Minor modifications*. Any of the following modifications to an approved PUD shall constitute a minor modification and shall be subject to the requirements and procedures of a general site development permit application under Subsection 404.2:

1. Proposed minor changes to established institutional uses in existence on the effective adoption date of this code, provided the proposed construction and/or project phasing does not exceed a total of 10,000 square feet of gross floor area and

is not greater than 35 feet in height. However, it is not the intent of this provision to permit incremental project submittals to avoid the threshold requirement for major modification. Therefore, the Town Administrator or designee may require a PUD review if it is deemed appropriate.

2. Any other modification not constituting a major modification as determined by the Town Administrator or designee.

Subsection 307.11 – Variance and rezoning reapplication limits

No application for a variance or zoning map amendment that has been denied may be resubmitted for the same request for a period of one year from the date of denial.

Subsection 307.12 – Final PUD Approval

A. Prior to submittal of the final PUD site plan prior to a building permit application, the Town Administrator or designee shall review the PUD or relevant approved PUD phase for final approval. Such review shall be to determine if the final PUD plan has not changed from its original approval and meets the conditions of that approval. If the Town Administrator or designee determines that a change has occurred, then it shall be considered a modification of a planned unit development and shall be subject to the regulations pertaining to major or minor modifications as outlined in Subsection 307.10.

B. The final PUD site plan submittal shall include but not be limited to, illustrating the lot layout and location of buildings (except single-family development may show building envelope in lieu of specific building location), parking areas, stormwater facilities and landscape buffer areas. The final PUD submittal shall also include typical building elevation(s) and/or perspective drawing of the buildings.

SECTION 308 – APPEALS

Subsection 308.1 – Appeals of administrative decisions

A. A final administrative development order decision may be appealed to the Town Commission.

B. Any aggrieved individual may appeal such decision within ten calendar days of the decision. Such appeal shall be submitted to the Town Clerk in writing and shall describe the reason for the appeal.

C. Within 120 days of the date the appeal request is found to be complete, the Town Commission may take the following action:

1. Approve a resolution with findings of fact approving the request as submitted;

2. Approve a resolution with findings of fact approving the request with conditions;

3. Defer action on the request until a specified time within 120 days of the date the application is found to be complete; or

4. Deny the request.

D. If the Town Commission denies the appeal, no further appeal may be filed to the Town Commission for a period of one year, unless the applicant can demonstrate to the Town Commission that there is new information relevant to a new appeal hearing.

Subsection 308.2 – Appeals of Town Commission decisions

An appeal of a decision by the Town Commission is to the circuit court.

SECTION 309 – REASONABLE ACCOMMODATIONS, CERTIFIED RECOVERY RESIDENCES

A. *Purpose and intent*. The purpose of this section is to establish procedures for the review and approval of reasonable accommodation requests to the Town land use and zoning, ordinances, rules, regulations, policies and procedures that serve to prohibit establishment of certified recovery residences pursuant to F.S. § 397.487. Facilitating reasonable accommodation requests ensures that individuals with a disability have equal opportunity to use and enjoy dwellings, buildings or structures, or to provide accessibility in another manner, as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601, et seq., "FHA") and Title II of the Americans with Disabilities Amendments (42 U.S.C. Section 12131 et seq.) ("ADA"). Any person who is disabled and/or a provider of services to disabled individuals qualifying for a reasonable accommodation, may request a reasonable accommodation allowing for the establishment of a certified recovery residence pursuant to the procedures set forth herein.

B. *Applicability*. This section shall apply exclusively to the reasonable accommodations request process for certified recovery residences seeking to locate or operate within the Town. Nothing in this section shall prohibit ordinary residential use by unrelated persons in compliance with applicable occupancy limits.

C. *Definitions*. The following terms as used throughout this section are defined as follows:

Certified recovery residence. A recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator, as defined in F.S. § 397.311.

Disabled individual or person. An individual that qualifies as disabled under the FHA and/or ADA.

Reasonable accommodation. A modification or exception to the Town's land-use, zoning or occupancy regulations necessary to afford a person with a disability equal opportunity to use and enjoy housing.

D. *Exceptions*. The application of this section shall not supersede the following:

1. Any current or future condominium declaration adopted pursuant to F.S. ch. 718;

2. Any cooperative document adopted pursuant to F.S. ch. 719; or

3. Any declarations or declaration of covenants adopted pursuant to F.S. ch. 720.

E. *Application requirements*.

1. An applicant (any person who is disabled or a provider of services to disabled individuals qualifying for a reasonable accommodation, collectively referred to as "applicant") must complete a certified recovery residences application signed by the property owner of record and submit to the Town Administrator or designee.

2. The applicant may apply for a reasonable accommodation on their own behalf or may be represented at all stages of the process by an attorney, legally appointed guardian, or other person designated by the applicant as a power of attorney.

3. Required components of the application shall include:

   a. Name and contact information of the applicant or the applicant's authorized representative. If the applicant is not the owner of the property, then the name and contact information of the property owner and an owner's authorization form is also required.

   b. Property address and parcel identification number of location the reasonable accommodation is being requested.

   c. A description of the reasonable accommodation requested, identifying the ordinances, rules, regulations or policies from which the applicant is requesting a reasonable accommodation (if any) and why the requested accommodation is needed.

   d. Proof of current certification under F.S. § 397.487.

   e. Name and certification number of the certified recovery residence administrator.

   f. Site plan showing existing structures and parking.

   g. Contact information for the operator.

   h. A certification signed by the applicant stating: "I CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THIS REQUEST IS TRUE AND CORRECT. I UNDERSTAND THAT IF I KNOWINGLY PROVIDE FALSE INFORMATION WITH THIS REQUEST, MY REQUEST SHALL BECOME NULL AND VOID."

i. A verification of disability status executed by someone with personal knowledge of the applicant's, or those who are being provided services', disability, such as a medical or social services professional.

j. Any additional information or documents the applicant feels is necessary to supplement the request for reasonable accommodation.

k. Other information as may be deemed necessary by the Town to evaluate the plan for compliance with the Town Land Development Code and Code of Ordinances.

4. The Town Administrator or designee will evaluate the application on the following objective criteria:

a. Has the applicant established that they are protected under the FHA and/or ADA by demonstrating that they or those being provided recovery services are disabled, as defined in the FHA and/or ADA? To do this, the following must be shown:

i. A physical or mental impairment which substantially limits one or more major life activities;

ii. That they are regarded as having such impairment; and

iii. A record of having such impairment.

b. Is this residence certified and actively managed by a certified administrator?

c. Is the requested accommodation reasonable and necessary to afford disabled persons equal opportunity for housing?

d. Does the requested accommodation impose any undue financial or administrative burden on the Town?

e. Does the requested accommodation require a fundamental alteration in the nature of the land use and zoning regulations of the Town?

F. *Procedural and notification requirements*.

1. The Town Administrator or designee shall date-stamp the application upon receipt and notify the applicant, in writing, within 30 days if additional information is required. Failure of the applicant to provide a response within 30 days will result in the application being denied, unless the applicant requests an extension of time in writing.

2. When conducting the review, the Town Administrator or designee may make a site visit to the property where the reasonable accommodation is being requested.

3. The Town shall not impose spacing, occupancy or location restrictions that treat certified recovery residences less favorably than other residential uses, except as expressly allowed under federal or state law.

4. The Town shall not require public hearings beyond the minimum required by law to grant the requested accommodation.

5. If the Town Administrator or designee finds that the requested accommodation will impose an undue financial or administrative burden on the Town or will require a fundamental alteration in the nature of the Town's land use and zoning regulation, they may consider whether an alternative reasonable accommodation exists which would effectively meet the disability-related need. An alternative reasonable accommodation may constitute an approval of the requested accommodation with conditions.

6. Within 60 days of receipt of a complete application, the Town Administrator or designee shall provide a written decision to:

    a. Approve the application.

    b. Approve the application with conditions.

    c. Deny the application, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

7. If the written decision is not issued within 60 days after receipt of the completed application, the reasonable accommodation request is deemed approved unless the parties agree in writing to a reasonable extension of time.

8. In the event that a reasonable accommodation is granted, the applicant shall continue to comply with any and all other applicable building and/or engineering permitting processes required by the Town's Code of Ordinances and Land Development Code and all other state and federal laws.

9. A reasonable accommodation is specific to the applicant and does not run with the subject property.

G. *Appeals*. A decision by the Town Administrator or designee may be appealed to the Town Commission. Such appeal shall be submitted to the Town Clerk in writing and include the name, address and contact information of the applicant; a written summary of the reason for the appeal; and a copy of the original written decision. Appeals shall follow the filing and notice requirements outlined in Section 308.

H. *Revocation*. If a certified recovery residence loses its certification or fails to comply with the conditions of approval, the Town may revoke its approval after written notice and opportunity to cure in accordance with F.S. § 379.487.

CHAPTER 400 – PERMIT TYPES

SECTION 401 – GENERALLY

Subsection 401.1 – Intent and purpose

A. This chapter describes the application requirements and review criteria for the permit applications necessary for land development and use.

B. This chapter has been organized as follows:

1. Zoning Map Amendments
2. Use Permits
3. Site Development Permits
4. Subdivision Permits
5. Miscellaneous Permits
6. Variances

Subsection 401.2 – Exemptions

The following types of development and activities are generally exempt from Use Permit and Site Development Permit approval procedures outlined in this chapter. However, such exempt development and activities must comply with all applicable requirements of this Code and obtain all applicable miscellaneous permits, including building permits as may be required pursuant to Chapter 14, Part II, Town of St. Leo Code of Ordinances.

1. The construction or alteration of a single-family dwelling or duplex on a lot in a valid recorded subdivision plat approved prior to the adoption of this chapter or on a lot of record.
2. The construction of a dwelling unit on a lot created consistent with the Land Development Code that did not require platting.
3. Bona fide agricultural activity as defined by Florida Statutes.
4. Removal of trash, debris or vegetation except trees protected by the Land Development Code under Section 703.
5. A subdivision of land into parcels of five acres or more not involving the construction of or any change in existing right of way lines, dedication of new right of way, or public easements.

Subsection 401.3 – Permit application requirements, generally

All permit applications shall be submitted to the Town Administrator or designee by the subject site property owner or authorized agent or representative. All permit applications shall, at minimum, include the following submittal requirements, in addition to any requirements specific to the permit application type as specified under this Chapter. The Town Administrator or designee shall be authorized to waive certain submittal requirements deemed irrelevant to the particular permit application.

1. Completed application form provided by the Town, signed by the property owner of record.
2. Payment of application fee as established by the Town Commission, pursuant to Section 109.
3. Retainer deposit for anticipated review costs incurred by Town, pursuant to Subsection 306.2.
4. Contact information for property owner and authorized agent, if applicable.
5. Letter of authorization/affidavit from the property owner for any representative to act on behalf of the property owner.
6. Property information, including address and parcel ID.
7. Legal description of the parcel (deed or survey).
8. A property map showing the current use and zoning of the subject property and all contiguous property.
9. Project narrative describing the proposed use and development, any requested variances to this Code, and identification of any impact to established visual corridors.
10. Justification/consistency statements to describe how the request is consistent with the Comprehensive Plan and the Land Development Code.
11. Site plan(s) drawn to a scale of not greater than one-inch equals 100 feet, including:
    a. Legal property boundary of the subject site
    b. Location of existing buildings and proposed buildings
    c. Building square footage and floor-area ratio
    d. Building/structure height and setbacks
    e. Building elevations and perspective drawings related to view corridors
    f. Parking layout and driveway locations
    g. Parking space and drive aisle dimensions

h. Number of required and provided parking spaces

i. Location, size and setback of signs

j. Impervious surface area

k. Stormwater facility locations and volumes

l. Existing trees, denoting those proposed to be removed and/or relocated

m. Landscaping plan including buffer widths and plantings

12. Master signage plan demonstrating uniform architectural theme, materials, lettering style and color for all proposed signage, including illustrations of each proposed signage type.

13. Other information as may be deemed necessary by the Town to evaluate the application for compliance with the Land Development Code.

Subsection 401.4 – Permit review criteria, generally

All permit applications shall be reviewed by the Town Administrator or designee against the following criteria, in addition to any criteria specific to the permit application type as specified under this chapter:

1. Consistency with the Comprehensive Plan;

2. Consistency with the Land Development Code;

3. Compatibility of the proposed use and development with the existing natural environment of the site and surrounding area, adjacent neighborhoods and historic sites; and

4. Visual impacts on the Town's unique topography, natural forested landscape, historic sites and landmarks, and visual corridors and view sheds identified in the Visual Corridor Study adopted by the Town Commission on August 11, 2001 (Resolution No. 01-03).

Subsection 401.5 – Permits by other agencies

Pursuant to F.S. § 166.033, the Town shall not require as a condition of processing or issuing any permit, other than a building permit, that an applicant obtain a permit or approval from any county, state or federal agency unless the agency has issued a final agency action that denies the county, state or federal permit before the Town's permit processing or issuance.

SECTION 402 – ZONING MAP AMENDMENTS

A. Applicability. The Town recognizes that a property owner may seek to amend the zoning designation for their property due to changed or changing conditions over time that necessitate such an amendment. A Zoning Map Amendment is an official modification of the Town's official

Zoning Map. Such amendments must be in compliance with the Town Comprehensive Plan and Future Land Use Map.

B. *Procedures*.

1. A pre-application meeting shall be required prior to application submittal, pursuant to Section 305.

2. A neighborhood workshop is encouraged, pursuant to Section 303.

3. Public notice for the public hearings shall be mailed and published, pursuant to Section 304.

4. Development Order shall be in the form of an ordinance approved by the Town Commission, subject to quasi-judicial proceedings, pursuant to Subsection 307.5.

C. *Additional application submittal requirements*.

1. If applicable, a location map showing the relationship of the project to adjacent jurisdictions, roadways, and natural features.

2. If applicable, a property map showing the current use and zoning of the tract and all contiguous property.

3. If applicable, a legal description of the entire property encompassing the proposed rezoning.

D. *Additional decision criteria*.

1. Compatibility with existing land use pattern.

2. Whether changed or changing conditions make passage of the proposed amendment necessary.

3. Whether the proposed change will adversely affect living conditions in the immediate and surrounding neighborhoods relative to traffic, environmental and other relevant impacts.

4. Whether the proposed change might result in lower property values.

5. Whether the proposed change would result in or act, as a deterrent to, the improvement or development of adjacent property in accordance with existing regulations.

6. Whether the proposed zoning change is consistent with the goals, objectives, and policies set forth in the adopted Comprehensive Plan.

SECTION 403 – USE PERMITS

Subsection 403.1 – Generally

Permits under this category address modifications, adjustments or approval otherwise of the use of any structure or land in the Town.

Subsection 403.2 – Special Exception Uses

A. *Applicability*. Special exception (SE) uses are those uses that, because of the nature of the use and/or its intensity (density, FAR, building types), would not be appropriate generally, but may by addressing their impacts have some degree of compatibility with the uses within a zoning district. Special exception uses require additional development design standards or conditions to ensure compatibility with adjacent uses and the development character of the surrounding neighborhood. Conditions of approval may require more restrictive development standards than established within a zoning district, such as setbacks, building height and landscape buffer requirements to ensure compatibility. The standards described for SE uses contained under Chapter 800 shall supplement and be in addition to all other standards and criteria required within this section.

B. *Procedures*.

1. A pre-application meeting shall be required prior to application submittal, pursuant to Section 305.
2. A neighborhood workshop is encouraged, pursuant to Section 303.
3. Public notice for the public hearings shall be mailed and published, pursuant to Section 304.
4. Development Order shall be in the form of an ordinance approved by the Town Commission, subject to quasi-judicial proceedings, pursuant to Subsection 307.5.

C. *Additional application submittal requirements*. There are no additional submittal requirements beyond those provided in Subsection 401.3.

D. *Additional decision criteria*.

1. Traffic movements relative to ingress/egress, traffic volumes on adjacent roadways, vehicle and pedestrian safety, and refuse collection.
2. Location and height of buildings, off-street parking, drainage facilities and other structures relative to adjacent property and uses.

Subsection 403.3 – Conditional Uses

A. *Applicability*. Conditional uses have special characteristics that may be compatible with uses permitted within a zoning district; however, such uses require the imposition of development criteria in order to ensure that they are not harmful to the health, safety and welfare of residents, surrounding uses and surrounding properties. These criteria may be applied in relation to use, occupancy, location, construction, design, character, scale and manner of operation. Conditional

uses shall be listed under Section 814 together with specific standards that apply to each Conditional Use. These criteria shall be met in addition to all other standards of this Code, unless specifically exempted, and all applicable regulations of other governmental agencies.

B. *Procedures*.

1. A pre-application meeting is encouraged, pursuant to Section 305.

2. Public notice for the public hearings shall be mailed and published, pursuant to Section 304.

3. Development Order shall be in the form of a resolution approved by the Town Commission, subject to quasi-judicial proceedings, pursuant to Subsection 307.5.

C. *Additional application submittal requirements*. Additional requirements, if any, shall be as specified under Section 814 related to the specific type of Conditional Use proposed.

D. *Additional decision criteria*.

1. Provision of standards to protect the health, safety and welfare of residents, surrounding uses and surrounding properties, including use, occupancy, location, construction, design character, scale, setbacks, buffering, manner of operation and hours of operation

2. Additional criteria, if any, as specified under Section 814 related to the specific type of Conditional Use proposed.

Subsection 403.4 – Temporary Uses

A. *Applicability*. Temporary Uses have characteristics that by their nature (non-permanent structures, small-scale, limited duration of activity and/or are seasonal activities) may be compatible with the range of uses permitted within a zoning district on a temporary basis. Temporary Uses shall be permitted only in the business, institutional and agricultural zoning districts. Temporary Uses may be permitted temporarily for a period of up to six weeks in any six-month period after issuance of a Temporary Use permit. A Temporary Use permit may be issued for the following uses:

1. Tent sales, including Christmas trees; fireworks; artworks; household furnishings, home decor; or plant sales

2. Facilities for the trans-shipment, processing, fabrication, or manufacture of materials for public works projects may be permitted as temporary uses during the construction periods of those specific public works projects provided such temporary uses do not cause adverse effects on adjacent lands or uses

3. Carnival, circus, music festivals, street fairs and the related retail sales, food vendors and parking directly affiliated with the event

4. Mobile amusements, banners and lighting equipment for promotion, advertisement and grand openings

5. Tent revival meetings

6. Stand-alone retail sales and food vendors (structure, vehicle, mobile trailer or cart) and parking areas not directly affiliated with an approved event

7. Parades, foot races, concerts, firework displays, tents, vendors, food and alcohol

8. Garage sales at a single-family residential home exceeding three such events within one calendar year

9. Any other temporary uses that are deemed appropriate by the Town Administrator

B. *Procedures*.

1. A pre-application meeting is encouraged, pursuant to Section 305.

2. Development Order shall be administratively granted by the Town Administrator or designee, pursuant to Subsection 307.5. However, if a Variance is requested, the Development Order shall be in the form of a resolution approved by the Town Commission, subject to quasi-judicial proceedings.

C. *Additional application submittal requirements*.

1. Notation of the duration of the Temporary Use and hours of operation.

2. Site plan(s) shall include the following:

a. Total area to be utilized for the Temporary Use

b. Location and setback of tent(s) or temporary structure(s)

c. Maximum capacity (number of persons) of tent(s) or temporary structure(s)

d. Number and location of all sales/food vendors directly affiliated with the Temporary Use

e. Traffic circulation plan showing all ingress/egress locations and barriers

f. Location, number and description of any signs, lights, balloons, fences, banners, etc.

D. *Additional decision criteria*.

1. Provision of standards to protect the health, safety and welfare of residents, surrounding uses and surrounding properties, including use, occupancy, location, construction, design character, scale, setbacks, buffering, manner of operation, duration and hours of operation.

Subsection 403.5 – Alternative Uses

A. *Applicability*. Pursuant to Section 603, the Town Commission may consider and approve uses that are not specifically delineated in the table of permitted uses by zoning district. Such uses must be determined to be of the same general character as one or more of the permitted uses under the same zoning district.

B. *Procedures*.

1. A pre-application meeting is required, pursuant to Section 305.
2. A neighborhood workshop is encouraged, pursuant to Section 303.
3. Public notice for the public hearings shall be mailed and published, pursuant to Section 304.
4. Development Order shall be in the form of a resolution approved by the Town Commission, subject to quasi-judicial proceedings, pursuant to Subsection 307.5.

C. *Additional application submittal requirements*.

1. Notation of the proposed hours of operation

D. *Additional decision criteria*.

1. Provision of standards to protect the health, safety and welfare of residents, surrounding uses and surrounding properties, including use, occupancy, location, construction, design character, scale, setbacks, buffering, manner of operation and hours of operation
2. Traffic movements relative to ingress/egress, traffic volumes on adjacent roadways, vehicle and pedestrian safety and refuse collection
3. Location and height of buildings, off-street parking, drainage facilities and other structures relative to adjacent property and uses

SECTION 404 – SITE DEVELOPMENT PERMITS

Subsection 404.1 – Generally

Permits under this category address the carrying out of any building activity or mining operation and/or the making of any material change in the appearance of any structure or land.

Subsection 404.2 – Site Development, General

A. *Applicability*. A Site Development permit application shall be submitted for review and approval for any use or development that is not exempt pursuant to Subsection 401.2 or is not required to be reviewed as a special exception use or PUD.

B. *Procedures*.

1. A pre-application meeting is encouraged, pursuant to Section 305.

2. Development Order shall be administratively granted by the Town Administrator or designee, pursuant to Subsection 307.5. However, if a Variance is requested, the Development Order shall be in the form of a resolution approved by the Town Commission, subject to quasi-judicial proceedings.

C. *Additional application submittal requirements*.

1. A survey of the property, including topographic vertical contours no greater than at five-foot contour intervals and identification of soils

2. Site plan shall include total number of dwelling units and overall density (units per acre), if applicable

3. If a dock is proposed, the following shall also be required:

a. Survey shall show the mean high water mark.

b. Site plan drawn to a scale of not greater than one-inch equals 50 feet showing:

i. Square footage and height of the dock and any related structures

ii. Dock setbacks from adjacent properties

iii. Lake shoreline and mean high water mark

iv. Any other accessory structures within the permanently open land (POL) zoned portion of the property, including their location, size, height and dimensions

c. Copy of any required approvals or exemptions from other governmental and non-governmental regulatory agencies related to the dock

Subsection 404.3 – Site Development, PUD

A. *Applicability*.

1. A planned unit development (PUD) is a large-scale project constructed by a single owner or group of owners acting jointly and involving a related group of existing and/or proposed uses planned, developed, and regulated as a single entity. The PUD permit is designed to promote the efficient use of land and public services by providing a flexible means of land development on property. A PUD may be proposed for any use or combination of uses consistent with the uses and intensity and/or density of development permitted by the underlying Comprehensive Plan Future Land Use category. In the case of mixed-use development, residential density shall be calculated based on gross land area designated for residential use and floor area ratio (FAR) based on gross land area designated for non-residential

use. Per FLUE Policy 2.2.4. of the Comprehensive Plan, where a PUD encumbers multiple Future Land Use categories, the combined development entitlements (density and/or FAR) of the area occupied by each Future Land Use category may be applied to and located anywhere within the entire PUD area, except for areas assigned POL or CON, subject to approval by the Town Commission. In calculating the maximum permitted number of dwelling units and/or floor area (square feet), any fraction thereof shall be rounded down to the next whole number.

2. The PUD is intended to facilitate a unified design that provides for the proper accommodation and separation of incompatible uses, promotes energy conserving land use patterns to reduce greenhouse gases and vehicle trips, promotes energy conserving development, provides for adequate buffering and protection of adjacent land uses, provides for the necessary supporting facilities, and proper consideration of environmental features.

3. To encourage quality design, a PUD project may accommodate design concepts which may conflict with certain zoning standards, such as minimum lot size, setbacks, signage and parking requirements, but offer enlightened and imaginative approaches to community planning, stormwater management or site design.

4. Pursuant to the Comprehensive Plan, the Town Commission may grant additional residential density up to four dwelling units per acre, provided the Town Commission determines that the project substantially meets the PUD criteria and requirements.

5. A property with an approved PUD will retain its underlying zoning district designation with a notation on the official Town Zoning Map indicating the PUD ordinance number.

6. Any proposed residential or institutional development of five acres or more, except for platting of subdivisions pursuant to Chapter 500, or any proposed commercial or mixed-use development of three acres or more is required to be reviewed and approved through the PUD permit process.

7. Approval of the PUD is a binding agreement between the applicant and the Town Commission that establishes use and building locations, range of uses, land area for each use, densities and intensities, and site improvements such as parking, open space and stormwater areas. The applicant may apply for and be granted approval for the entire PUD or for any phase(s) of the project.

B. *Procedures*.

1. A pre-application meeting shall be required prior to application submittal, pursuant to Section 305.

2. A neighborhood workshop is encouraged, pursuant to Section 303.

3. Public notice for the public hearings shall be mailed and published, pursuant to Section 304.

4. Development Order shall be in the form of an ordinance approved by the Town Commission, subject to quasi-judicial proceedings, pursuant to Subsection 307.5.

C. *Additional application submittal requirements*. The PUD permit application shall include all information required for permits generally and for General Site Development permits, as well as:

1. The survey shall also include:

   a. Tree survey of tree species protected pursuant to Section 703, including delineating tree species, diameter and canopy area. However, trees located within proposed dedicated open space areas are not required to be surveyed.

   b. Jurisdictional wetlands.

2. A narrative project description of the total project in sufficient detail to provide an understanding of the nature of the development proposal; its probable impact on the surrounding uses, public facilities, and natural resources; and any problem area with the proposed solutions.

3. The site plan shall also include:

   a. Layout of lots and typical minimum lot sizes and dimensions for each use and unit type, as applicable

   b. Easements

   c. Open space areas

4. A list and description of approvals necessary to construct the proposed improvements including, but not limited to, streets and access roads, drainage systems, and water and sanitary sewer systems.

5. A plan for required improvements to connect the internal street system to the public road and highway network, via connectors of adequate design, construction and capacity.

6. Surface water management and drainage plans.

7. A general description of the proposed legal measures to provide for perpetual maintenance of common or dedicated open space, common improvements, easements, dedications, and reservations.

8. A proposed development schedule indicating the approximate starting and completion dates for the entire project or any phases with appropriate identification and description of such phases.

9. An Impact Assessment Statement applicable to the total project in sufficient detail to provide an understanding of the nature of the development proposal and its probable impact on the surrounding uses, visual corridors, public facilities (water, wastewater, traffic) and natural resources, including a narrative relative to addressing the regulations contained in this Code.

D. *Additional decision criteria*.

1. *Location*. PUDs should be located on or have direct access to an arterial or collector road, with minimum impact on residential local roads.

2. *Size*. All lands in the PUD must be contiguous. An existing public road through the property shall not be deemed to divide the PUD area.

3. *Open space and recreation areas*. A minimum of 25 percent open space/recreation area shall be provided. Open space should be located to create large open space foreground areas as viewed from public roads, which is a typical rural characteristic. Open spaces should be interconnected with adjacent open space, agricultural land and/or sensitive environmental areas. Existing forested areas, wetlands and/or documented wildlife habitat areas should be utilized to meet open space requirements. At least 50 percent of the required open space/recreation area (based on mature tree canopy coverage area) shall be landscaped with native plants and trees.

4. *Conservation areas*. Where development land encompasses jurisdictional wetlands or documented habitat for listed species as described in Section 902, said areas shall be protected by conservation (CON) zoning overlay and by covenants running with the land, conveyances or dedications.

5. *Lots and buildings*. Buildings shall be uniform in architectural design theme and building materials. A building or group of buildings shall have a compatible relationship with one another and surrounding properties based on, but not limited to, the following design elements:

    a. Lots shall be arranged and/or clustered to create an efficient development pattern to promote pedestrian orientation, reduce vehicle trips, recognize environmentally sensitive lands and visual corridor features and create useable and interconnected open spaces.

    b. Building scale, height, mass and setbacks.

    c. Building materials and color.

    d. Building architectural theme/style, forms and roof shape.

    e. Transitions between buildings relative to height, facade details, and landscape buffers.

f. Architectural detailing that highlights entrances and introduces features such as porches, arches, or bay windows, and roof detailing such as cornice lines, dormers, gables, or roof plane changes. Flat or mansard roofs are discouraged.

g. Separations and/or changes in the building plane (facade and roof) and facade details.

h. Buildings shall incorporate energy efficient facade design features and buildings and/or development site shall be encouraged to accommodate non-fossil fuel energy sources such as solar.

i. Parking structures and lots should be located to the side or rear of the principal building with no more than 50 percent of the street frontage occupied with parking structures or lots. Parking structures shall be compatible in terms of scale, height and design with the architectural character of principal buildings.

6. *Lake Jovita/C.R. 52 Visual Corridor*. Specific factors to be considered in evaluating the visual corridor impacts of development include, but are not limited, to the following:

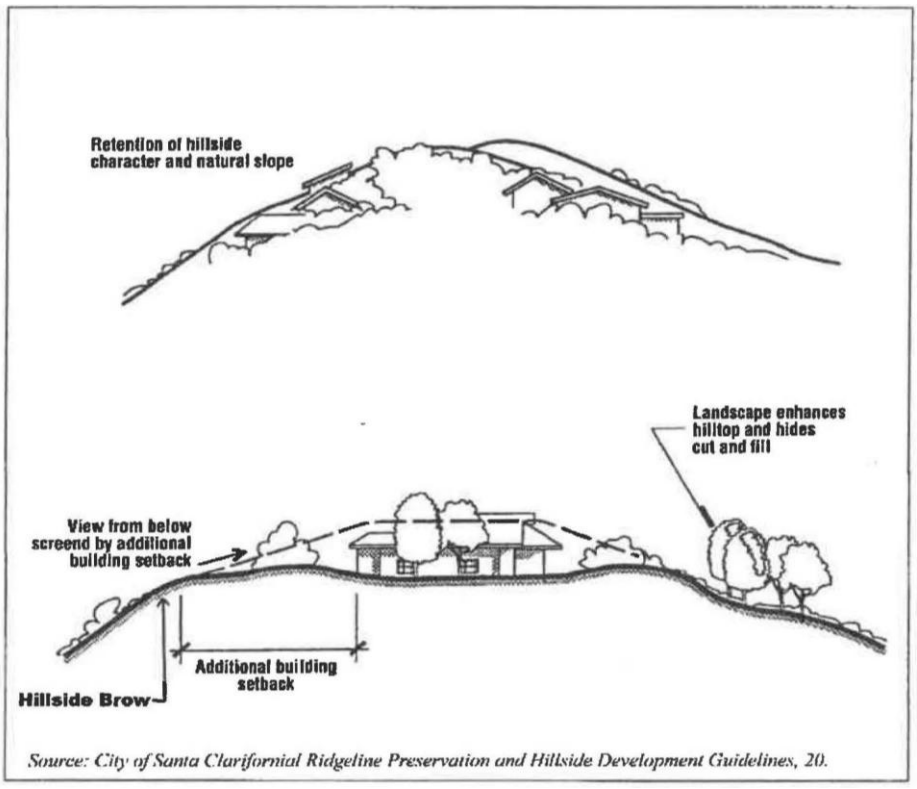
a. Siting, massing and height of buildings and structures.

b. Building facades that are visible within the view shed shall provide architectural details, landscaping and fencing/wall treatments appropriate for the architectural style of the building.

c. Ridgelines, hillsides and hilltops should be preserved in their natural green and/or forested state and contour. Tree canopy/forested areas on the hilltop and hillside shall be protected to preserve view corridors and the forested character of the Town.

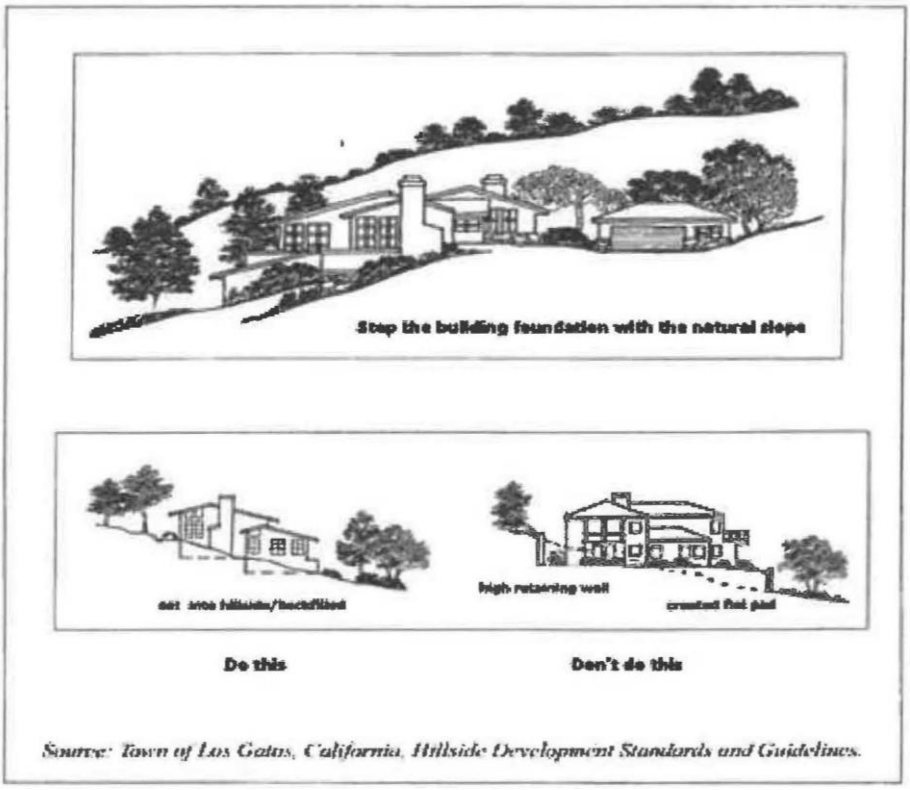
d. Buildings located on the hilltop shall be setback from the hillside brow and buildings located on the hillside slope shall be located such that the building height does not extend beyond the hillside brow. Buildings shall be situated to be sensitive to the hillside slopes by fitting into or blending with the contour of the hillside, such as stepping the building down the hillside to match the topography and slope of the hillside as opposed to altering the hillside topography. Cluster new development to retain surrounding tree canopy and minimize alterations to the existing hillside topography. Figures 404.3 - A and 404.3 - B illustrate the above concepts.

Figure 404.3 – A



Source: City of Santa Clarifornial Ridgeline Preservation and Hillside Development Guidelines, 20.

Figure 404.3 – B



Source: Town of Los Gatos, California, Hillside Development Standards and Guidelines.

e. Altering the hillside contour shall be avoided. Use of retaining walls or other construction techniques to preserve hillside contours shall be encouraged.

f. Building heights should not extend above the surrounding tree canopy or above the hilltop or ridgeline more than 35 feet in height in order to maintain the natural relationship between the forested tree canopy, hillside topography and slope, ridgeline and skyline.

7. *Streets and internal transportation system*. Streets shall be designed and constructed in accordance with the provisions of the Subdivision regulations under Chapter 500, with such modifications as may be approved as part of the plan submitted at all phases of Town review. Connection of the internal street system to the public road and highway network (via connectors of adequate design, construction, and capacity) shall be required and shall be the responsibility of the developer.

8. *Principal vehicular access points*. Principal vehicular access points to the PUD shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazard for vehicular or pedestrian traffic. Acceleration, deceleration and turn lanes and similar improvements may be required where existing or anticipated heavy traffic flows indicate a need for such improvements.

9. *Surface water management (including drainage)*. The surface water management plans for the PUD shall be approved by the Town Commission and other state/federal agencies having jurisdiction. All stormwater ponds shall be landscaped pursuant to Subsection 703.7 and meet stormwater requirements pursuant to Chapter 1200.

10. *Utilities and services*. The developer shall provide for water and sewer facilities approved by applicable local and state agencies and utilities as applicable. The developer shall provide for all necessary solid waste disposal and other public or private utilities or service required.

SECTION 405 - SUBDIVISION PERMITS

A. *Applicability*. A Subdivision (plat) permit shall be required for the division of land into three or more lots, in accordance with the provisions of Chapter 500.

B. *Procedures*.

1. A pre-application meeting is encouraged, pursuant to Section 305.

2. Development Order shall be administratively granted by the Town Administrator or designee, pursuant to Subsection 307.4 and in accordance with Chapter 500.

C. *Application submittal requirements*.

1. Subdivision applications shall include all requirements under Chapter 500.

D. *Decision criteria*.

1. Subdivision applications shall be reviewed in accordance with Chapter 500.

SECTION 406 – MISCELLANEOUS PERMITS

Subsection 406.1 – Building permits and certificates of occupancy

Building Permits and Certificates of Occupancy applications shall be processed in accordance with Chapter 14, Part II, Town of St. Leo Code of Ordinances.

Subsection 406.2 - Sign permits

A. *Applicability*. Every business, institution, multifamily development and residential subdivision, whether new or established in an existing structure, new structure or reconstructed, shall be required to obtain a sign permit for any sign placed on a building or free-standing sign constructed on property in the Town, except as may be exempted pursuant to Section 702. A permit shall be required to construct, alter or extend any non-exempt sign, in compliance with the provisions of Section 702.

B. *Procedures*.

1. Development Order shall be administratively granted by the Town Administrator or designee, pursuant to Subsection 307.4. However, if a Variance is requested, the Development Order shall be in the form of a resolution approved by the Town Commission, subject to quasi-judicial proceedings.

C. *Additional application submittal requirements*.

1. Scaled, dimensional drawing of each proposed sign, including:

   a. Sign dimensions including height and area

   b. Design features

   c. Yard setbacks

2. Sign engineering plans if requested by the Building Official

D. *Additional decision criteria*.

1. Compliance with all applicable requirements of Section 702 Sign Regulations

Subsection 406.3 – Tree removal permits

A. *Applicability*.

1. Except as exempted pursuant to (2), a tree removal permit shall be required for the following proposed removals:

   a. Removal of ten percent or more of the total trees on a property or development site;

   b. Removal of any canopy trees that are five-inch DBH or greater; and/or

   c. Removal of any grand tree, except as specifically exempted below.

2. The following proposed removals are exempt from permit requirements:

   a. Removal of any tree within a residential zoning district;

   b. Removal of any exempt tree in any zoning district;

   c. Pursuant to F.S. § 163.045, removal of any tree on residential property if the property owner possesses an on-site assessment performed and signed by an arborist certified by the International Society of Arboriculture (ISA), or a Florida licensed landscape architect, that the tree poses an unacceptable risk to persons or property.

      i. For the purposes of this section, “residential property” means, pursuant to F.S. § 163.045, a single-family, detached building located on a lot that is actively used for single-family residential purposes and that is

either a conforming use or a legally recognized nonconforming use in accordance with this Code.

ii. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices—Tree Risk Assessment, Second Edition (2017).

d. Removal of any tree on lands classified as bona fide agricultural land for ad valorem taxation purposes pursuant to F.S. § 193.461, except for any grand tree not posing an unacceptable risk to persons or property as above.

3. Upon the declaration of a state of emergency pursuant to F.S. ch. 252, the Town Commission or designee may temporarily suspend the enforcement tree removal permits and the requirements of Section 703 in order to expedite the removal of damaged and destroyed trees in the interest of public safety, health, and general welfare. However, the removal of undamaged trees during the suspension of this section shall constitute a violation of this section punishable according to Subsection 703.11.

B. *Procedures*.

1. If a grand tree is proposed to be removed within a non-residential zoning district, the following procedures apply:

a. A pre-application meeting shall be required prior to application submittal, pursuant to Section 305.

b. A neighborhood workshop is encouraged, pursuant to Section 303.

c. Public notice for the public hearings shall be mailed and published, pursuant to Section 304.

d. Development Order shall be in the form of a resolution approved by the Town Commission, subject to quasi-judicial proceedings, pursuant to Subsection 307.5.

2. Otherwise, the Development Order shall be administratively granted by the Town Administrator or designee, pursuant to Subsection 307.4.

C. *Additional application submittal requirements*.

1. Site plan or aerial photograph at a scale not greater than one-inch equals 200 feet delineating:

a. All grand, canopy and native understory trees on the property, indicating the tree(s) to be removed

b. Tree species, height and size (DBH) for each tree to be removed

c. Location, species, height and size (DBH) for each replacement tree, pursuant to the tree replacement requirements of Section 703

2. Photographs of any grand trees to be removed

3. Written justification statement for the proposed tree removal or relocation, demonstrating all of the following:

a. The least number of trees are proposed to be removed or relocated in order to accommodate the proposed development.

b. The tree removal does not create a negative impact relative to the Lake Jovita and C.R. 52 visual corridors.

c. Details of compliance with the tree replacement and mitigation requirements of Subsection 703.8 and Subsection 703.10.

D. *Additional decision criteria*.

1. Compliance with all applicable requirements of Section 703

Subsection 406.4 – Floodplain development permits

Floodplain Development Permit applications shall be processed in accordance with the provisions and requirements of Chapter 1300, Floodplain Management.

Subsection 406.5 – Lot splits

A. *Minimum size*. All lots created by a lot split shall have the minimum square footage required by Chapter 600, Zoning Districts and Standards. No lot split shall create a nonconforming lot.

B. *Application*. Application for a lot split shall be in a form prescribed by the building official. Filing fee must be paid at time of application submission.

C. *Review and approval*. The building official shall review all lot-split applications to ensure conformance with the Comprehensive Plan and Land Development Code. Upon determining that a proposed lot split so conforms, the building official shall approve the application.

D. *Recording*. Upon approval of the lot split, the applicant shall record with the clerk of courts a plat containing the legal description of the created lots and any dedication of easements. If any unapproved plat is recorded, the Town Commission shall require the clerk of courts to strike it from the records.

E. Once a tract of land or lot has been approved for and received a lot split, the tract or lot, or any portion thereof, shall not be further subdivided.

Subsection 406.6 – Lot mergers or consolidations

A. *Application*. Application for a lot merger shall be in a form prescribed by the building official. Filing fee must be paid at time of application submission.

B. *Review and approval*. The building official shall review all lot merger applications to ensure conformance with this chapter and the Town's Comprehensive Plan. Upon determining that a proposed lot merger so conforms, the building official shall approve the application.

C. *Recording*. Upon approval of the lot merger, applicant shall record with the clerk of courts a plat containing the legal description of the consolidated lot and any dedication of easements. If any unapproved plat is recorded, the Town Commission shall require the clerk of courts to strike it from the records.

SECTION 407 – VARIANCES

A. *Purpose and intent*.

1. A Variance may provide limited relief from certain requirements of this Code in those cases where strict application would create an unnecessary hardship, as distinguished from a mere inconvenience, where the requirements of this Code render the land difficult to use because of some rare and unique physical attribute of the property itself or some other factor unique to the property for which the Variance is requested.

2. Variances shall generally be considered and granted by the Town Commission. However, certain Variances may be granted administratively by the Town Administrator or designee as specifically defined in this Code in order to protect environmentally sensitive lands, existing grand and protected trees and to address minor waivers to code requirements. Administrative Variances may be granted with or without conditions for the following:

    a. Building/structure, excluding signs, setbacks up to five feet.

    b. Permitted rear and side setback encroachments up to two feet.

    c. Landscape buffer width requirements up to five feet.

    d. Parking requirements and standards, to the minimum extent necessary in order to preserve canopy or grand trees, to avoid power lines, or in other special circumstances.

B. *Procedures*.

1. If the Variance request qualifies as administrative Variance:

    a. A pre-application meeting shall be required prior to application submittal, pursuant to Section 305.

b. Development Order shall be administratively granted by the Town Administrator or designee, pursuant to Subsection 307.4.

2. Otherwise, the Variance request procedures are as follows:

a. A pre-application meeting shall be required prior to application submittal, pursuant to Section 305.

b. A neighborhood workshop is encouraged, pursuant to Section 303.

c. Public notice for the public hearings shall be mailed and published, pursuant to Section 304.

d. Granting of a Variance shall be in the form of a resolution approved by the Town Commission, subject to quasi-judicial proceedings, pursuant to Subsection 307.5. However, if the Variance is part of a broader permit, it shall be processed and considered concurrent with the primary permit, except that it must be granted by the Town Commission at a public hearing subject to quasi-judicial proceedings.

C. *Additional application submittal requirements*.

1. Applicant shall provide responses to the following Variance hardship criteria:

a. The special conditions and/or circumstances applying to the building or other structure or land for which such Variance is sought.

b. The special conditions and/or circumstances peculiar to the property, structures or buildings that do not apply generally to neighboring lands, structures or buildings in the same zoning district.

c. The existing conditions and/or circumstances such that:

i. The strict application of the provisions of this Code would deprive the applicant of reasonable use of said land, building, or structure; and

ii. The peculiar conditions and circumstances pertaining to the Variance request are not the result of the actions by the applicant.

d. How the Variance request is in harmony with and serves the general intent and purpose of this Code and the Comprehensive Plan including, but not limited to, important visual corridors (as adopted by Resolution No. 01-03) and maintaining the Town's rural character as defined by the Comprehensive Plan.

e. How the Variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by granting the Variance.

f. How granting of the Variance will result in substantial justice being done, considering both the public benefits intended to be secured by this Code and the individual hardships that will be suffered by a failure to receive the Variance.

D. *Additional decision criteria*.

1. Consideration of each of the Variance hardship criteria listed above.

CHAPTER 500 – SUBDIVISIONS

SECTION 501 – Purpose

A. The purpose of these regulations shall be to provide minimum standards for the conversion of unplatted land to subdivisions; to promote orderly street patterns; to provide a guide for subdividers toward meeting requirements that are conditions precedent to administrative approval of subdivision plats by the Town Planner; to avoid congestion of traffic and population; to provide proper light, air, and public access in newly developed areas of land; to provide minimum standards for the disposal of surface water for utility systems and development patterns designed to minimize pollution in water bodies located within the Town of St. Leo; to provide regulations consistent with the platting requirements of F.S. ch. 177, Part I; and to provide minimum regulation to ensure that the Town remains essentially a single-family, rural community as set forth in the Town of St. Leo Comprehensive Plan.

B. It is the further purpose of these regulations to promote development options that provide for efficient use of land to provide for energy conservation, reduce greenhouse gas emissions and preserve environmentally sensitive areas. Therefore, all subdivisions of five acres or more shall be reviewed as planned unit developments (PUD) pursuant to Subsection 404.3, in addition to these regulations.

SECTION 502 – Jurisdiction

These subdivision regulations shall govern subdivisions and resubdivisions of land within the corporate limits of the Town of St. Leo, Florida.

SECTION 503 – Definition of terms

For the purpose of these regulations, which shall be known and may be cited as "The St. Leo Subdivision Regulations," certain words used herein are defined as follows:

Alley. A platted right-of-way or dedicated easement providing a secondary means of access and/or utility service to abutting property.

Block. A group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it may be identified

Bond. A financial surety payable to the Town of St. Leo.

Cul-de-sac. A street terminated at the end by a vehicular turnaround.

Engineer (registered). An engineer registered in the State of Florida and employed by the developer.

Engineer (Town). The Town Engineer, or such other person or agency designated by the Town Commission to perform such duties as are assigned by this chapter.

Lot. A tract or parcel of land, including the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified.

MAI. An approved member of the National Institute of Appraisers who is authorized to use the MAI designation.

Mayor. The mayor of the Town of St. Leo.

Planned unit development. A type of development employing a more compact or clustered arrangement of dwelling units to promote more efficient land use and to recognize environmentally sensitive lands. The lot size for each unit may be reduced from the standard lot requirement for the applicable zoning district, with the land difference between the reduced lot size and the standard lot requirement placed in common open space or public green areas.

Plat. A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of this part and of any local ordinances and state statutes, and shall include the terms "replat," "amended plat," or "revised plat" as set forth in F.S. § 177.031(14).

Public sidewalk/multi-use trail. A paved area within a public right-of-way used or intended to be used for pedestrian traffic and/or as a multi-use trail to accommodate pedestrians and bicycles or other non-motorized means of transportation.

Permanently open land. Refers to the permanently open land future land use category.

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

Soil survey. The Soil Survey of Town of St. Leo, Florida, prepared by the United States Department of Agriculture, Soil Conservation Service, Issued June 1982 (F96576—11/13/81) or as amended by the United States Department of Agriculture, Soil Conservation Service or the Soils Map contained in the Comprehensive Plan—Conservation Element.

Street. Includes any access way such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place, or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those access ways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers, and easements of ingress and egress.

Subdivision. The division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided. The division of land into parcels five acres or more not involving the construction of or any change in street lines or public easements shall not be deemed to be a subdivision or require PUD review.

Town Commission. The Town Commission of the Town of St. Leo and as authorized in F.S. § 163.3174, as the Local Planning Agency.

Wetlands (jurisdictional). Wetlands as delineated by the Southwest Florida Water Management District (SWFWMD) and/or the U.S. Army Corps of Engineers.

SECTION 504 – Town Planner authority

A. The St. Leo Town Commission has designated the Town Planner to review and administratively approve proposed subdivisions.

B. Developers of subdivisions shall submit all preliminary plats (such plat as described in this chapter) for land subdivision as herein specified to the Town Planner, who shall conduct an administrative review of the preliminary plat for conformance with these regulations.

C. Preliminary plat approval does not authorize the start of any construction. Final plat approval as required by this chapter is required prior to the start of any construction.

D. At the request of the subdivider, and upon compliance with the appropriate sections herein, the Town Planner may issue a conditional approval of a final plat which will grant authorization for the start of construction of improvements provided that the following requirements are met:

1. A permit shall have been issued by the Town Commission or its designee for the construction of subdivision improvements.

2. A 25 percent bond based on the Town Commission or its designee's estimate of cost of improvements shall have been furnished to the Town Clerk by the developer in order to ensure compliance with these regulations, and to ensure to the Town that the final plat will be filed and recorded with the Town and Pasco County Clerk of Court and that a copy of the recorded document will be filed with the Town of St. Leo Town Clerk.

SECTION 505 – Inspection

The inspector as appointed by the Town Commission shall make or cause to be made periodic inspections of the work at any time, but not less than at the stages listed below. The developer shall notify the inspector at least two working days before such inspection is needed, and the succeeding stage shall not proceed until authorization is given in writing by the inspector to proceed. All inspection fees, as set by the Town Commission from time to time, shall be paid by the developer to the Town of St. Leo at the time the inspection is first requested.

Required inspection stages:

1. At completion of sewer line laying, but prior to the covering of any storm or sanitary line.
2. At completion of any land fill work.
3. At completion of installation but before covering of any underground utility.
4. At completion of curb and catch basin work.
5. At completion of street grading work, but before any base is in place.
6. At completion of base laying but before any pavement is in place.
7. At completion of paving.

The inspector may order work to stop at any point that he determines that work is being done that does not conform to these regulations. Such stop-work order shall operate to void the conditional approval of the final plat until necessary correctional methods or work have been accomplished either by the developer or the bonding company action, at no cost to the Town.

SECTION 506 – Improvements to be supervised by engineer

All subdivision improvements shall be under the supervision of an engineer (registered in the State of Florida). Upon completion of the subdivision improvements, said registered engineer shall certify to the Town Planner in writing that all improvements have been installed and completed in compliance with these regulations. Upon certification by the inspector, the Town Planner may approve the final plat for filing with the Town and Pasco County.

SECTION 507 – Preliminary and final procedure generally

This section outlines the procedure to be followed by the subdivider, hereinafter called the applicant, to secure approval of a subdivision by the Town of St. Leo. Final approval by the Town Planner shall be required before any subdivision may be entered in the records of Pasco County.

SECTION 507.1 – Preliminary steps

A. The applicant shall secure a copy of these regulations.

B. The applicant shall prepare or cause to be prepared a preliminary plat, and shall meet with the Town Planner to discuss the preliminary plat as it relates to the requirements of these regulations. Subdivisions requiring PUD review shall provide narrative responses to the PUD development guidelines contained in Subsection 404.3.

C. Upon receipt of three sets of the preliminary plat and one set of construction drawings for approval, the Town Planner shall retain one print for its files and submit the necessary prints and drawings to the utility companies for their review and recommendation.

1. The Town Planner and the utility companies shall review the preliminary plat and construction drawings and determine the adequacy of easements and make estimates of water and sewer line costs. Additional information necessary for valid review may be required by the engineer to be supplied by the applicant.

D. Approval of a preliminary plat by the Town Planner shall lapse and become void one year after the date of approval, unless a final plat based thereon is submitted to the Town Commission for approval within that year, except that an extension of such time may be granted by the Town Planner upon request by the applicant.

SECTION 507.2 – Preliminary plat and construction drawings

A. The preliminary plat shall be drawn to a scale. All sheet sizes shall conform to Pasco County platting requirements.

B. The preliminary plat shall meet minimum standards of design and show proposed provisions for the construction of the public improvements as required by this chapter. The following information shall be shown:

1. The name and location of the proposed subdivision, the name and address of the owner(s), and all mortgages, liens and encumbrances on the title of the land.

2. Date, approximate north arrow, and scale.

3. The total acreage of land in the proposed subdivision and the area and dimensions of each lot proposed. Proposed location and boundaries of any development phases shall be shown as a letter or number.

4. A legal description of the land, certified by a land surveyor or engineer registered by the State of Florida.

C. Within a reasonable period of time, the Town Planner shall review the preliminary plat for compliance with:

1. The Comprehensive Plan of the Town;

2. The Code of Ordinances of the Town;

3. The application requirements;

4. The subdivision design standards; and

5. The standards for subdivision improvements.

The Town Planner shall either approve, approve with conditions, or deny the preliminary plat and may recommend any necessary revisions. The decision, which may not be assigned to another Town staff member, shall be presented in writing to the applicant.

If the Town Planner approves the preliminary plat with conditions, the applicant is authorized to proceed to the construction drawings review, and shall incorporate all recommended revisions into the construction drawings and final plat, as required.

If the Town Planner denies the preliminary plat, the Town Planner shall notify the reasons for denial in writing. The notification delivery shall identify all areas of noncompliance and include specific citations to each requirement the plat fails to meet. The applicant may submit a revised preliminary plat for administrative review. The revised preliminary plat shall incorporate all revisions as recommended by the Town Planner.

D. The construction drawings and final plat shall be submitted within one year of the date of Town Planner approval of the preliminary plat or the preliminary plat approval will expire. If the preliminary plat approval expires, resubmittal of the preliminary plat and payment of applicable fee shall be required.

E. An applicant may contract to sell but may not transfer ownership of a residential structure or building located in the residential subdivision or planned community until the final plat is approved by the Town Planner and recorded by the clerk of the circuit court. An applicant may not obtain a temporary or final certificate of occupancy until the final plat is approved.

F. An applicant shall have vested rights in a preliminary plat that has been approved by the Town Planner.

G. Construction plans review. The construction plans shall be submitted to the Town Administrator with the application and the required fee. Construction plans shall be prepared and certified for all required improvements by a Florida registered engineer. Plans shall be drawn at a scale no smaller than one inch equals 50 feet (1;inch; = 50 ft.) unless otherwise specifically authorized. The developer may apply for concurrent review of construction drawings and the preliminary plat. The applicant shall also submit an estimate of the cost of public improvements to be installed in conjunction with this subdivision, certified by a civil engineer registered in the State of Florida. The department of public works shall distribute the construction plans to all appropriate departments and reviewing agencies. The construction plans shall indicate the following:

1. The location of existing property lines, streets, rights-of-way, sidewalks, street lighting, buildings, water courses/bodies, jurisdictional wetlands, forested areas, railroads, sewers, bridges, culverts, drainpipes, water mains and any public or private easements that are within or adjacent to the proposed subdivision.

2. Alignments and dimensions of proposed streets, alleys, parks/open space, public lands, easements, and utility layouts (water, sewers, electricity, street lighting, fire hydrants, and storm drainage) showing feasible connection to an existing or proposed system; name of the utility providers; and lot lines and lot numbers/letters. Stormwater pond areas and related calculations shall also be included.

3. Contour lines at vertical intervals of not more than two feet.

4. Existing ground profiles and proposed grades and names of all streets, sanitary and storm sewer lines, water lines, street profiles and grades shall be at centerlines of streets.

5. All proposed methods for the treatment of all water runoff will be governed under Chapter 62-40, F.A.C., which requires treatment measures to be taken in the design and construction of surface water management systems to ensure the discharge of stormwater does not violate state water quality standards. Compliance can be demonstrated if the project is designed and regulation submittals made simultaneously in accordance with Chapter 62-40, F.A.C. Before issuance of final plat approval a copy of all specific approvals required by other chapters of the Land Development Code and regulations shall be filed with the Town Clerk.

6. The proposed plans and specifications for the sewer treatment plant, which must be designed to meet current minimum standards published by the Florida Department of Environmental Protection.

7. The proposed plans and specifications for the water system, which must be designed to meet current minimum standards published by the Florida Department of Environmental Protection.

H. Within a reasonable period of time, the Town Planner shall review the construction plans for compliance with:

1. The Comprehensive Plan of the Town;

2. The Code of Ordinances of the Town;

3. The application requirements;

4. The subdivision design standards; and

5. The standards for subdivision improvements.

The Town Planner shall either approve or deny the construction plans, and may recommend any necessary revisions. The Town Planner's decision shall be presented to the applicant in writing. In addition, the Town Engineer shall verify in writing the estimated cost of public improvements, which may or may not be in agreement with the applicant's estimate.

If the Town Planner approves the construction drawings, the developer may commence site development and installation of improvements provided that the required bond is posted and the applicant is authorized to prepare the final plat.

If the Town Planner denies the construction drawings, the applicant shall resubmit the construction drawings, incorporating all required revisions as outlined in the Town Planner's decision.

SECTION 507.3 – Final plat approval process

A. A final plat shall be submitted in accordance with all preliminary plat requirements and standards and shall address all conditions of preliminary plat approval. The final plat submittal shall include the requirements and standards as set forth in this chapter and shall meet the platting requirements of F.S. ch. 177, pt. I.

B. The applicant shall prepare a final plat of the proposed subdivision on linen or mylar tracing, based upon all or any portion of the approved preliminary plat of the subdivision including any conditions of preliminary plat approval, in conformance with the land platting requirements of the Town and F.S. ch. 177, pt. I.

C. The applicant shall submit the original drawing of the final plat on linen tracing cloth or mylar and a reproducible copy of the original drawing of the final plat plus three prints of the plat and one set of construction drawings for the engineer and the Town Planner for review. The copies of these documents that are submitted to the Town Planner shall show the information required by this chapter.

D. Within seven business days after receipt of a final plat, the Town Planner shall provide written notice to the applicant acknowledging receipt of the plat submittal and identifying any missing documents or information necessary to process the plat. The written notice shall also provide information regarding the plat approval process including requirements for completeness of process and application time frames for reviewing, approving, and processing the application. Upon receipt of a final plat and construction drawings for approval, the Town Planner shall distribute the documents to all appropriate reviewing agencies.

E. The Town Planner shall review the final plans and ascertain that all work proposed therein has either: (a) been completed according to the requirements of this chapter or, (b) that a surety bond, in a predetermined amount, has been posted by the applicant with the Town Clerk in an amount that will ensure the completion of the work shown on the plans, at no cost to the Town.

G. The Town Planner shall review the final plat for compliance with the approved preliminary plat and F.S. chs. 9 and 177, within 180 days of receipt by the Town Planner. In a written report, the Town Planner shall approve, approve with conditions or deny the final plat.

The final plat shall be in its final complete form at the time of the Town Planner's review. However, there may be certain minor errors which may have been made such as a misspelled word, or an error in the legal description, which does not alter the size or general location of the project.

These minor revisions may be corrected if they will not alter the ownership of the property, the subdivision design, the dedication, and the reservations of property, or the installation of the required improvements. Any deviations from the approved preliminary plat which are of a major nature and/or which will not comply with the minimum requirements regarding the subdivision design, dedication, and reservations of property, or the installation of required improvements will result in denial of the final plat.

1. If the final plat is denied, the Town Planner shall notify the reasons for such denial in writing. The notification shall identify all areas of noncompliance and include specific citations to each requirement that the plat fails to meet. The Town Planner may stipulate that certain minor technical revisions are made. The Town Planner may not request or require an applicant to file a written request for extension of time.

H. Approval of the final subdivision plat shall authorize the recording of the subdivision plat. The approval of a final plat by the Town Planner shall constitute acceptance by the Town of the dedication of any streets, rights-of-way, easements, or other public way or ground shown thereon, except those areas which are specifically reserved or those areas which are specifically refused by the Town Planner at the time of approval of the plat. The required improvements will be accepted by the Town when the Town Engineer has certified in writing that the improvements have been constructed in accordance with the approved construction drawings and the defect security has been approved by the Town Attorney.

I. Upon approval of the final plat by the Town Planner, the Town shall transmit the plat to the clerk of the circuit court for recording. The owner shall provide to the Town all documents and recording fees required by county and state law to accomplish the recording.

SECTION 507.4 – Final plat

A. Sheet sizes. All final plat sheet sizes shall conform to requirements in this chapter and F.S. ch. 177, Part I, and as described below.

B. The final plat shall show:

1. The names and right-of-way locations and lines of all proposed and existing streets, alleys, and/or roads in, through or adjoining the subdivision; lot and/or block numbers; reservations of public or private lands and easements; sites proposed for any use other than residential purposes, with notes stating their intended or proposed use; and deed restrictions (if any).

2. All engineering data necessary to permit the ready location on the ground of the alignment, bearing, and length of every street line, lot line, boundary line, block and building line, whether curved or straight, and including the true north arrow. This

shall include the radius, central angle, and tangent distance for the centerline of the curved streets and property lines.

3. All dimensions to the nearest one-hundredth (0.01) of a foot and angles to the nearest minute.

4. Location and description of all monuments within or adjoining the subdivision and accurate description of the location of such monuments with relation to range and township.

5. Date, title, name and location of the subdivision and scale.

6. Immediately current legal certification by a Florida registered surveyor or engineer as to accuracy of survey and placement of monuments.

7. Immediately current legal certification of ownership, and certification of dedication to the Town of St. Leo of all public streets, rights-of-way, easements and any land dedicated to public use.

8. Certificate of approval to be signed by the Town Planner, and attested by the Town Clerk.

9. Certification for the use of the property by the Town Commission or its designee.

C. To accompany the final plat:

1. Final approved construction plans as described in this chapter shall be submitted, with the final plat.

2. There shall be a filing fee submitted with the request for final approval payable to the Town of St. Leo, Florida. Such fee shall be nonrefundable in an amount to be determined by the Town Commission.

SECTION 508 – Preliminary plat requirements and minimum standards

The specifications and requirements set forth in this chapter shall be met in all subdivisions and are conditions precedent to approval of any final plat. Higher minimum standards may be required based on future road right-of-way requirements pursuant to the Comprehensive Plan.

SECTION 508.1 – Streets, alleys and sidewalks

A. *Conformity to major street plan*. All streets, roadways and public rights-of-way shall conform in alignment and specifications to the requirements of any approved major street plant.

B. *Relations to existing street system*. The proposed streets in any subdivision shall, insofar as may be practical, connect and conform to the alignment and patterns of the existing street network, so as to extend or project the adjacent, or similarly aligned existing streets in the general area.

C. *Street right-of-way widths*. The minimum width of rights-of-way, measured between lot lines, shall be based on the approved transportation element, roadway functional classification map and shall include sufficient rights-of-way width to accommodate paved roadway, shoulder, sidewalk and drainage (closed or open ditch). The Town Planner may, on a case-by-case basis, determine that additional right-of-way beyond the minimum standards may be required. Minimum rights-of-way are as follows:

1. *Arterial streets and highways*. Eighty to 150 feet or as required by Pasco County or FDOT. (Arterial streets and highways are those used primarily for fast or heavy traffic and as designated on the approved major street plan.)

2. *Collector streets*. Sixty feet or as may be required based on rural or urban section street design and other factors. Collector streets are those which carry traffic from residential streets to arterial or other collector streets, and principal feeder streets in, to or through areas or neighborhoods; and for major inter-town circulation as shown on the approved major street plan.

3. *Residential streets*. Fifty feet or as may be required based on rural or urban section street design and other factors. Residential streets are those which are used or intended to be used primarily for access to the abutting properties and are designed for local traffic use.

4. *Frontage access streets*. Fifty feet. Frontage access streets are streets which are parallel and adjacent to arterial streets and highways, and which provide access to abutting property on one side only.

5. *Dead-end streets (culs-de-sac)*. Fifty feet. Culs-de-sac are those streets designed so that they may not and shall not be extended in the future.

6. *Alleys*. Twenty feet. Alleys are public ways used or designed to be used primarily for secondary or service access to the rear or side of properties that also abut streets.

D. *Additional width on existing streets*. Subdivisions that abut or adjoin existing streets shall dedicate additional right-of-way required to meet the above minimum street widths or as may be required according to the following conditions:

1. When and where any part of the subdivision is on both sides of the existing street, the entire width of any necessary additional right-of-way shall be dedicated in conformance with the Land Development Code.

2. When and where the sub-division is located on one side of an existing street, any additional right-of-way required on the applicant's side shall be dedicated as specified by the Town Planner in conformance with the Land Development Code.

E. *Restriction of access*. When a proposed subdivision abuts an arterial street or highway, the Town Planner may require lots fronting on such arterial street or highway to be served by a frontage access street.

F. *Street grades and horizontal and vertical curves*. Street grades and horizontal and vertical curves shall conform to the latest edition of the Florida Department of Transportation Manual of Uniform Standards for Design, Construction and Maintenance of Streets and Highways.

G. *Intersections*. Street intersections shall be as nearly at right angles as is practicable, and no intersection shall be at an angle of less than 60 degrees. Curb radii at street intersections shall conform to the latest edition of the Florida Department of Transportation Manual of Uniform Standards for Design, Construction and Maintenance of Streets and Highways. The minimum spacing between intersections shall be 150 feet or as specified by the latest edition of the Florida Department of Transportation Manual of Uniform Standards for Design, Construction and Maintenance of Streets and Highways.

H. *Tangents on reverse curves*. A tangent of at least 100 feet in length shall be introduced between reverse curves on all arterial and collector streets or as specified by the latest edition of the Florida Department of Transportation Manual of Uniform Standards for Design, Construction and Maintenance of Streets and Highways.

I. *Street jogs*. Street jogs, or "offsets" in horizontal alignment of streets across intersections are discouraged. Any off-set in horizontal street alignment shall be separated a minimum of 125 feet in distance as measured between such centerlines along the perpendicular, intersecting street.

J. *Dead-end streets (culs-de-sac)*.

1. Dead-end streets or courts shall not be more than 1,200 feet in length. Where planned to be permanently terminated, such streets shall be provided at the closed end with a turn-around having a minimum outside right-of-way turning radius of not less than 50 feet.

2. Where it is necessary to provide for existing or future street access to adjoining property, rights-of-way shall dead end at the adjoining property boundaries with no reserve stripes between the right-of-way and property line, and the developer shall provide a turn-around as required in (J)(1) above to exist until the street is extended.

K. *Private streets and reserve strip*. There shall be no private streets platted in any subdivision. Every lot shall be served by a public dedicated street. There shall be no reserve strips controlling access to any streets, except where the control of such strips is definitely and permanently placed with the public under conditions recommended by the Town Planner.

L. *Street names*.

1. Proposed streets which are in alignment with other streets, either existing or proposed, shall bear the same names as such existing or proposed streets.

2. In no case shall the name of proposed streets duplicate existing street names, or bear names which may be confused with existing streets; all such streets shall be as approved by the Town Planner.

3. One street name sign shall be installed by the subdivider at each intersection in accordance with design standards approved by the Town Planner.

M. *Alleys*. Alleys shall be required as a secondary means of access to all commercial and business lots. Alleys may be required in residential development.

N. *Sidewalks/multi-use trails*. Sidewalks/multi-use trails shall be provided in any subdivision with an average lot width of 60 feet or less. Sidewalks shall be required on both sides of the street. The sidewalk/multi-use trail shall be at a minimum five feet in width or as may be required by the Town Planner. On subdivisions where no street and/or utility construction is proposed, sidewalks/multi-use trails shall be required at the time of permitting for a residential structure for any lot fronting on a street classified as a collector or higher. All sidewalks shall be located within street rights-of-way.

SECTION 508.2 – Street, alley and sidewalk construction standards

The subdivider shall prepare the subgrade of all required streets by grading to the profiles approved by the Town Engineer, compact and smooth the surface and provide and install paved surfaces as follows:

1. Arterial streets and highways shall be paved in accordance with Florida State Department of Transportation (DOT) specifications.

2. Collector streets shall be paved, including curbs, in accordance with Pasco County or Florida State Department of Transportation (FDOT) specifications.

3. Residential streets and alleys must be approved by the Town Engineer and constructed in accordance with Pasco County or Florida State Department of Transportation (FDOT) specifications.

4. Sidewalks shall be constructed of material equal to four-inch thick monolithic concrete. All sidewalks shall be within the public right-of-way located within six inches from the right-of-way line.

SECTION 508.3 – Blocks

A. *Length*. Blocks shall not be longer than 500 feet in length along the longest dimension, except as the Town Planner may approve as necessary to secure a more efficient use of land or desired feature of street pattern.

B. *Width*. Blocks shall be wide enough along the shortest dimensions to permit two tiers of lots of minimum depth, except where lots have rear frontage on arterial streets or highways. In no other case shall conditions be approved which permit a single tier of lots to be served by two streets.

SECTION 508.4 – Lots

A. *Arrangement*. Insofar as practical, side lot lines shall be at right angles to straight street lines, and radial to curved street lines. Every lot shall abut a public street or road for a distance of not less than 40 feet. Lots shall be arranged and designed to provide for consolidated open space areas and minimize impacts to forested areas and wetlands.

B. *Minimum lot area and width*. No residential lot shall be permitted that does not meet the minimum lot area and width that is required by the zoning district in which the proposed subdivision is located, unless reviewed as a planned unit development.

C. *Frontage*. Subdivisions shall be planned, insofar as practical, so that residential lots do not front directly onto arterial streets or highways. In rare instances where this is impractical, such lots are required to be served by a frontage access street.

SECTION 508.5 – Public land, permanently open land and environmentally sensitive lands

Due consideration shall be given to the allocation of land areas that are suitably located and of adequate size for playgrounds, parks and other public uses.

A. *Public land and permanently open land*. Where a park site, recreational site, public access to water frontage, land designated as permanently open land or any other public facility is shown on any portion of the Town of St. Leo Comprehensive Plan, or any part of such plan that has been officially adopted by the Town Commission, is located in whole or in part in the applicant's subdivision, the Town Planner shall require that such land(s) be dedicated as a permanent open space easement at no cost to the Town. The Town Planner may require that such open space be designated as publicly accessible open space.

If no permanently open land (as designated in the Town of St. Leo Comprehensive Plan) is located in a subdivision with improvements, then at least ten percent of the subdivision's total area must be dedicated as a permanent open space easement by the developer. Such permanent open space land shall at a minimum be one acre in size and 100 feet in width. At least 50 percent of such dedicated permanently open land area must be contiguous land area that is accessible by the public via public rights-of-way or dedicated public access easements. The Town Planner may require the developer to landscape a percentage of the dedicated permanently open land area, pursuant to a landscape plan approved by the Town Planner.

B. *Environmentally sensitive lands*. Lots shall be platted to minimize impacts on environmentally sensitive lands, pursuant to Section 902, through the use of techniques such as clustering and locating lots and/or buildable area on non-environmentally sensitive lands. The Town shall encourage applicants to designate preserved environmentally sensitive lands and associated

buffers with conservation (CON) overlays and dedicate same as a conservation easement pursuant to F.S. § 704.06.

SECTION 508.6 – Suitability of land

Land that is subject to flooding conditions and land that is deemed by the Town Commission based on U.S.G.S. topographical surveys or other engineering considerations to be subject to flooding shall not be platted for residential occupancy, nor for such other use as may endanger health, life, or property, or aggravate erosion or flood conditions (until the developer provides adequate drainage or other corrective measures). Likewise, areas containing soils unsuitable for building as set forth in the soil survey (Comprehensive Plan conservation element—soils map), with severe wetness, severe ponding and severe cutbacks, shall not be platted.

SECTION 508.7 – Group and workforce housing developments

Plans for a comprehensive group or work force housing development of dwelling units together with necessary drives and ways of access may be approved by the Town Planner. The Town Planner may permit some deviation from the design regulations for standard street and lot arrangements specified in these regulations, provided approval can be granted without violating the intent of the standards set forth in these subdivision regulations and that such developments do not exceed the maximum allowances established by the Land Development Code.

SECTION 509 – Installation of utilities

When a proposed subdivision entails construction of streets and/or utilities, underground utilities such as water mains, electric, telephone, cable TV, gas mains, sanitary sewer lines, storm sewer lines, and all service connections at property lines shall be installed prior to the installation of any street base course, paving, or curbing. No aboveground utilities of any type shall be permitted. All costs for utility installations are the responsibility of the developer.

A. *Water supply*. Individual water wells or private systems are permitted pursuant to Florida Administrative Code (Chapters 64E-8 and 62-532) unless prohibited by Pasco County. However, if a public water line is located within 1,000 feet from the subdivision boundary, then connection to the public water line is required if water service and capacity are available.

B. *Water supply lines*. All water mains shall be properly connected with a main water supply, there being no individual wells permitted. All connections shall be in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. The sizes of water mains, locations, and types of valves and fire hydrants, the amount of soil cover over the pipes and other features of the installation shall be as required by the Florida Fire Prevention Code and Pasco County.

C. *Sanitary sewers*. Individual septic wells or private systems may be permitted pursuant to Florida Administrative Code (Chapter 62-6) and F.S. § 381.0065 unless prohibited by Pasco County. However, if a publicly owned or investor-owned sanitary sewer line is located within 1,000 feet from

the subdivision boundary, then connection to the sewer line is required if sewer service and capacity are available.

D. *Storm drainage*. All required stormwater ponds/systems must be approved by the Southwest Florida Water Management District (SWFWMD). The treatment of storm drainage shall be approved by SWFMWD and the Town Engineer. When a stormwater pond or attenuation is not required, the plat shall note that submittal of a grading plan for an individual lot to the Town is required for review/approval as part of any building permit for that individual lot to ensure no adverse drainage impacts on abutting property, and minimal impacts on drainage/water quality unto adjacent streets and into Lake Jovita. The individual lot grading plan will include erosion and sediment control measures, identification of swales and other drainage features to control runoff velocity, accommodation of any off-site drainage areas, roof runoff direction and control and a detailed paved and landscape area grading plan.

F. *Oversize utilities*. In the event that the water, sewer or storm sewer pipes required by the Town are of sizes larger than would be needed to serve the subdivision under consideration, the subdivider shall be required to install the larger facilities.

G. *Utility connections*. No utility connections shall be made to any subdivision lot, unless such lot abuts a public street or dedicated public utility or access easement.

H. *Easements*. Except where alleys are provided for the purpose of placing utilities and access, the Town Planner shall require utility easements not exceeding 15 feet in width for the placement and service of poles, wires, pipes, conduits, storm and sanitary sewers, gas, water, or other utility lines along and centered on rear lot lines, side lot lines, or at other locations when necessary for extension of existing or proposed utilities.

SECTION 510 – Monuments

A. Concrete monuments shall be placed at all street corners, at points where the street lines intersect exterior boundary lines of the subdivision, and at all points where the centerline of a street begins and ends with a curve. Such monuments shall have cross-sections of not less than 16 square inches with a suitable center point marker; be not less than three feet in length; and shall be sunk into the ground so that the top is flush with the finish grade. There shall be not less than one such marker placed at each street intersection on the right-of-way line.

B. All other lot corners and changes in direction in lot lines shall be marked with iron pins that are three-quarters inch in diameter and 24 inches long, driven into the ground so as to be flush with the finish grade.

SECTION 511 – Homeowners association

A subdivision that entails construction of streets and/or utilities and/or common open space/recreation areas must be accompanied by a draft of covenants and restrictions which establishes a homeowners association. The homeowners association will be responsible for the permanent maintenance of all streets and water and sewer utilities located in or serving the

subdivision, unless such improvements are dedicated to and accepted by a public entity. Covenants shall provide for a lien in favor of the homeowners association on all lots in the subdivision in the event of nonpayment of maintenance assessments by any lot owner.

SECTION 512 – Performance bond required to ensure improvements

When a proposed subdivision entails construction of streets and/or utilities, no final plat shall be approved by the Town Planner until a surety bond has been posted by the developer with the Town Clerk, and such surety bond is accepted by the Town Clerk, in an amount equal to 110 percent of the cost of installation of the required improvements, as estimated by the Town Planner. Improvements required herein shall be constructed in a satisfactory manner and approved by the Town Engineer. Such improvements shall be made and utilities installed without cost to the Town. The surety bond shall ensure accomplishment of the following:

1. To grade and improve as hereinafter specified all streets and alleys; to install curbs, gutters, monuments, sanitary sewers, storm drains, water supply, electrical service, gas service, and street name markers in conformance with these regulations.

2. The surety bond shall include additional funds to maintain all of the above referenced improvements for a period of one year from the date of acceptance of said subdivision.

SECTION 513 – Variances

The Town Commission shall hear and decide requests for variances in accordance with Section 407 Variances. Requests shall be submitted with the preliminary plat application. Variances that are requested and that directly go against any recommendations made by the Southwest Florida Water Management District (SWFWMD) or any agency dealing with environmental control shall not be granted.

SECTION 514 – Authority for enforcement

The authority for enforcement of these regulations is provided in F.S. ch. 163 and the Charter for the Town of St. Leo, Florida.

SECTION 514.1 – Enforcement

A. No plat of a subdivision of land located within the Town limits of St. Leo, Florida shall be admitted to the records of Pasco County nor received or recorded by the clerk of the circuit court in such county until said plat has received final approval in writing from the Town Planner.

B. No board, public officer, or authority shall light any street, lay or authorize the laying of water, electric, gas or sewer lines or pipes, or the construction of any other public facility or utility in any road or street located within the Town limits of St. Leo unless such road has been accepted, opened or has otherwise received legal status of a public road prior to adoption of these

regulations, or unless such road corresponds in its location and lines to a road shown on a subdivision plat conditionally approved by the Town Planner.

SECTION 514.2 – Penalties

A. No person shall file with any circuit court clerk, officer, or individual responsible for entering records of land deeds in Pasco County any plat of a subdivision for recording as defined herein and located within the Town of St. Leo or any other document, including a deed which causes a subdividing as defined herein, until such subdivision plat has been approved by the Town Planner. Any person so doing shall be deemed guilty upon conviction thereof of a misdemeanor, punishable as provided by law. There shall be no subdivisions created by signing of deeds. All costs shall be paid by the subdivider.

B. Any building or structure erected or to be erected in violation of these subdivision regulations shall be deemed as an unlawful building or structure and the Mayor, Town Attorney, or any other official of the Town may bring action to enjoin such erection or cause it to be vacated, removed, or altered, at no cost to the Town of St. Leo.

CHAPTER 600 – ZONING DISTRICTS AND STANDARDS

SECTION 601 – Establishment of zoning districts

For the purposes of this Code and consistent with the Comprehensive Plan, the Town is divided into the following zoning districts. These zoning or overlay districts use the same nomenclature as the Comprehensive Plan Future Land Use categories:

1. Agricultural district (A).
2. Rural density residential (RDR).
3. Low density residential (LDR).
4. Medium density residential (MDR).
5. Business district (B).
6. Institutional district (IL).
7. Permanently open land (POL).
8. Conservation overlay district (CON).

SECTION 602 – Zoning district boundaries

A. The boundaries of the zoning districts defined in this chapter are hereby established on the Official Town of St. Leo Zoning Map, and as may be amended by the Town of St. Leo Town Commission.

B. The zoning district boundaries on the official Town of St. Leo zoning map are intended to follow property lot lines as depicted on the Pasco County Property Appraiser plat maps and/or the centerline of road rights-of-way. The zoning district boundaries are also intended to coincide with the land use category boundaries as depicted on the Comprehensive Plan Future Land Use Map. Where a zoning district boundary line does not clearly coincide with a property lot line, or any of the lines previously mentioned, its boundaries shall be determined by the Town Commission.

C. For purposes of implementing the areas of permanently open land, permanently open land (1) shall extend away (landward or upland) from the established Southwest Florida Water Management District (SWFWMD) High Minimum Lake Level (HML) mark for Lake Jovita, which is defined as the 127-foot contour line above the National Geodetic Vertical Datum (NGVD) for 100 feet, (2) shall extend 100 feet on either side of the center line of the waterway (notwithstanding the fact that waterway may be dry from time to time) which connects and runs between Lake Jovita and the Abbey Golf Course (south, southeast from the shoreline of Lake Jovita), (3) shall extend away from (landward or upland of) Fingerbowl Lake 50 feet from the lot boundary closest to Fingerbowl Lake for all platted lots, shown on recorded plats in existence on July 30, 2004, and (4) shall extend 50 feet either side of the center line of the waterway (notwithstanding the fact that the waterway may be dry from time to time) which connects and runs between Lake Jovita and Fingerbowl Lake.

D. Where a zoning district boundary divides a lot in single ownership, the entire lot may be developed to the zoning district that occupies more than 50 percent of the lot area.

SECTION 603 – Permitted uses

Table 603 identifies the range of permitted, conditional or special exception uses for each zoning district. All principal uses, except agricultural uses, shall be located within a permanent building(s). Alternative uses not delineated in the table may be presented for consideration by the Town Commission which are determined to be the same general character such as, but not limited to, those listed as permitted uses, and which will not be detrimental to the health, safety, morals and general welfare of the district in which they are located.

TABLE 603 - Zoning District Uses

Uses[1]		Zoning Districts						
		A	RDR	LDR	MDR	B	IL	POL
Agricultural								
	Raising of farm animals, fruits and vegetables (No on-site manufacturing or processing)	P	P					
	Produce/roadside stand	P				P		
	Nurseries/greenhouses (wholesale/retail sales)	P						
	Veterinary clinics[2]	P				SE		
	Kennels[2]	P				SE		
	Riding stables	P						
	Sod and hay farms	P	P					SE
Residential								
	Individual mobile home	P			P			
	Mobile home park		SE	SE	SE			
	Single-family	P	P	P	P			
	Multifamily (incl. duplex)			SE	P			
	Adult congregate living facility		SE	SE	SE		SE	
	Nursing home		SE	SE	SE		SE	
	Bed and breakfast	SE			SE	P		
	Temporary housing (construction, model home, post-disaster housing)	P	P	P	P	P	P	P
	Community residential home (less than six clients)	P	P	P	P			
	Community residential home (six or more clients)	P	SE	SE	SE			
	Home-based business	P	P	P	P			

Notes:

[1]Symbols: P = Permitted use; C = Conditional use; SE = Special exception use.

[2]These uses have special requirements that are enumerated in Section 403.2.

Table 603 (Continued)

Uses[1]		Zoning Districts						
		A	RDR	LDR	MDR	B	IL	POL
Business—Office/Personal Services								
	Professional office (real estate, attorney, architect, etc.)					P		
	Medical office/clinic					P		
	Financial institution (with or without drive-thru)					P		
	Personal services (beauty/barber shop, tailor/seamstress, shoe repair, etc.)					P		
	Funeral home					P		
	Dry cleaning, laundromat					P		
	Day care (adult and children)				P	P	SE	
Business—Retail Sales/Services								
	Retail sales/outlets; specialty retail					P		
	Drug store					P		
	Convenience store					P		
	Convenience store w/pumps[2]					SE		
	Service station (minor repair, including oil changes)[3]					P		
	Grocery store, meat market, specialty foods					P		
	Restaurants without drive-thru					P		
	Restaurants with drive-thru[2]					SE		
	Alcoholic beverage package store (without drive-thru)					P		
	Hardware store					P		
	Hotel/motel					P		
	Mini-warehouse					SE		
	Art, arts and crafts, photography studios/galleries					P		
	Furniture/appliance/electronics store					P		

Notes:

[1]Symbols: P = Permitted use; C = Conditional use; SE = Special exception use.

[2]These uses have special requirements that are enumerated in Section 403.2.

[3]All vehicle or other repairs, including tire changing, shall be conducted within an enclosed building or structure. No outdoor storage or display of items for sale is permitted.

Table 603 (Continued)

Uses[1]	Zoning Districts						
	A	RDR	LDR	MDR	B	IL	POL
Business—Retail Sales/Services							
Retail sales with light manufacturing/assembly on-site with three or less total employees (furniture/cabinet making)					P		
Shopping/strip center					P		
Vehicle/equipment sales/rentals					P		
Car wash (stand alone or as part of convenience store or service station)					P		
Vehicle parts sales, including tires[3]					P		
Business—Recreation							
Golf courses (public or private)					P	P	P
Indoor recreational centers (bowling, games, billiards, etc.)					P		
Institutional/Government[4]							
Religious facilities	SE[4]	SE[4]	SE[4]	SE[5]	P	P	
Schools (public or private)	SE[4]	SE[4]	SE[4]	SE[5]	SE[5]	P	
Government offices	SE[4]	SE[4]	SE[4]	SE[4]	P[5]	P	
Government services (police, fire)	SE[4]	SE[4]	SE[4]	SE[4]	P[5]	P	
Hospitals	SE[4]	SE[4]	SE[4]	SE[4]	SE[5]	SE	
Telecommunication towers	SE				SE	SE	
Utility substations	SE	SE[4]	SE[4]	SE[4]	SE[5]	SE	
Parks	P	P	P	P	P	P	P
Solar facilities per F.S. § 163.3205	P						
Resiliency facilities per F.S. § 163.3210					P		

Notes:

[1]Symbols: P = Permitted use; C = Conditional use; SE = Special exception use.

[2]These uses have special requirements that are enumerated in Section 403.2.

[3]All vehicle or other repairs, including tire changing, shall be conducted within an enclosed building or structure. No outdoor storage or display of items for sale is permitted.

[4]These public/semi-public uses may only be considered for developments one (1) acre or less in size.

[5]These public/semi-public uses may only be considered for developments less than five acres in size.

Subsection 603.1 – Conservation overlay district (CON) uses

A. Lands designated with the conservation (CON) future land use category are subject to the conservation overlay district requirements herein. Land designated with the CON land use category include, but are not limited to, wetlands significant wildlife habitats and environmentally sensitive areas identified as part of any development approval by the Town. Areas identified as open space by the Town may also be designated with the conservation overlay district. No development or use is permitted within the CON overlay district, except for nature trails/boardwalks and associated parking areas and information kiosks.

B. The CON overlay district boundary is not treated as a zoning district boundary. Therefore, adjacent structures are not required to meet setback requirements, unless the overlay district is also a property boundary or if overlay district is a jurisdictional wetland. All structures, roads and parking areas adjacent to a wetland shall be set back 25 feet from all jurisdictional wetland boundaries.

Subsection 604 – Zoning districts dimensional standards

Table 604 identifies the development dimensional standards that apply to each zoning district. Pursuant to Section 404.3, Planned Unit Development (PUD), these standards, excluding density and FAR limits, may be waived as part of the PUD process at the discretion of the Town Commission. In calculating the maximum permitted number of dwelling units or floor area (square feet), any fraction thereof shall be rounded down to the next whole number.

Table 604 - Zoning Districts Dimensional Standards Matrix

			Building Setbacks[1,2,3]					
Zoning District	Min. Lot Area	Min. Lot Width (Feet)	Front	Side/Street	Rear	Max. Height[4]	Max. Density or FAR	Max. ISR
Agricultural (A)	10 acres	75	25	15/20	15	35[4]	Density: 1 unit/10 acres FAR: 0.2	0.2
Rural density residential (RDR)	2.25 acres	75	25	15/20	15	35	Density: 1 unit/2.25 acres FAR: 0.2	0.4
Low density residential (LDR)	1 acre	75	25	7.5/20	15	35	Density: 1 unit/acre FAR: 0.2	0.4
Medium density residential (MDR)	½ acre	75	25	7.5/20	15	35	Density: 2 units/acre[6] FAR: 0.25[7]	0.7
Institutional land (IL)	None	100	50	50/50	50	50	FAR: 0.35	0.5[8]
Business (B)	None	50	25	10/10	10	35	FAR: 0.25 Density: 4 units/acre[7]	0.7
Permanently open land (POL)[5]	None	None	50	50/50	50	12	None	0.2

Notes:

[1]Special building setbacks: See Sections 902, 903 and 904.

[2]Accessory structures and encroachments: See Section 802.

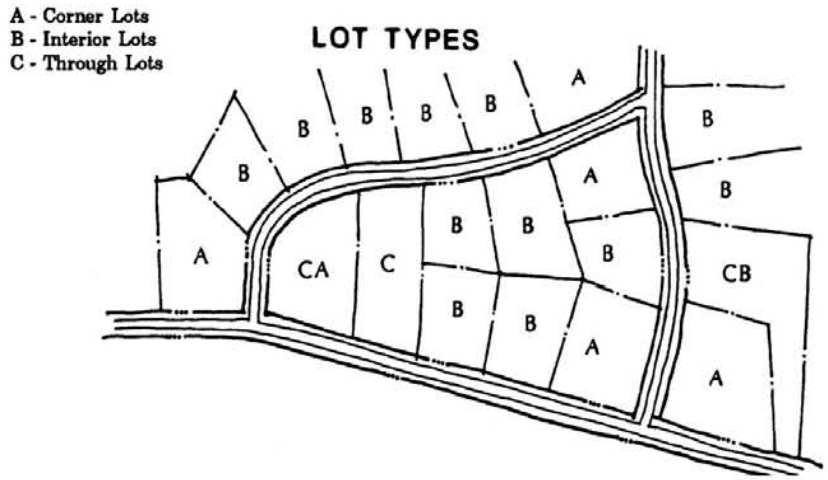
[3]On corner lots, the smallest street frontage dimension shall be considered the front yard and the other street side shall be considered a street side yard. On through lots, there shall be two front yards. The two smallest street frontage dimensions shall be considered the front yards and the other street side shall be considered a street side yard.
[4]Building height may be increased one foot for every two feet of additional building setback on all sides, up to a maximum height of 75 feet in the IL district and 50 feet in the B, MDR and A districts. Appurtenances such as antennas, steeples and chimneys may not extend more than ten feet above the roof peak.
[5]Only accessory structures related to the residential, recreational or park use or public structures are permitted in this district. Accessory structures and uses relative to a golf course use may include driving ranges, pro-shops, clubhouses/recreation facilities, and restaurants. See Section 802 for accessory structures related to residential use.
[6]A density of up to four units/acre may be permitted as a PUD pursuant to the Town of St. Leo Comprehensive Plan.
[7]Mixed uses (residential and commercial) permitted pursuant to Town of St. Leo Comprehensive Plan.
[8]Development between five and less than ten acres, the maximum ISR is 0.6 and development of five acres or less, the maximum ISR is 0.7.

Subsection 604.1 - Lot orientation

A. *Lots, measurement of width*. The width of a lot shall be measured across the rear of the required front yard setback. The width of lots fronting on curves or culs-de-sac shall be measured as a straight line tangent to the midpoint of the arc of the curve formed by the building line. This building line may be equal to or greater than the required front yard of the zoning district. In addition, when a lot fronts on a cul-de-sac or curve, the lot width along the street frontage shall be measured as a straight line tangent of the midpoint of the arc of the curve along the street frontage and shall be a minimum of 20 feet.

B. *Lots, types*. Figure 604.1 illustrates terminology used herein with reference to describing lot types such as corner, interior, and through lots.

Figure 604.1



C. *Lot frontage*.

1. On interior lots, the front of a lot shall be construed as the portion nearest the street.

2. On corner lots, the frontage of a lot shall be construed as the shortest boundary to a street. If the lot has equal frontage on two or more streets, frontage shall be determined by the Town Commission or its designee in accordance with the prevailing building pattern, or the prevailing lot platting pattern, if a building pattern has not been established.

3. On through lots, there shall be two front yards. The two smallest street frontage dimensions shall be considered the front yards and the other street side shall be considered a street side yard. If the Town Commission or its designee finds that the pattern of lots or the pattern of required yards, on lots adjacent to portions of the through lot, is such as to justify the elimination of the requirement that more than one frontage be provided on the lot, such additional frontage shall not be required.

CHAPTER 700 – GENERAL DEVELOPMENT STANDARDS

SECTION 701 – GENERALLY

Subsection 701.1 – Reduction in lot area prohibited.

No parcel, although it may consist of one or more adjacent platted lots of records, shall be reduced in area to the extent that yards, lot area per family, lot width, building area or other requirements of this ordinance are not maintained. This subsection shall not apply when a portion of the lot is required for a public purpose.

Subsection 701.2 – Street frontage required

No dwelling or principal use shall be erected on a lot which does not abut on at least one street for a distance of not less than 40 feet.

SECTION 702 – SIGN REGULATIONS

Subsection 702.1 – Purpose and Intent

The sign regulations are intended to ensure consistent and fair regulation and enforcement for all signs and sign structures. They are also intended to protect the health, safety and general welfare of those residing, visiting and working in the Town. These regulations also require sign design sensitivity to recognize the importance of preserving the visual qualities of the Town and particularly the Lake Jovita and C.R. 52 visual corridors. The intent is to discourage the proliferation of visual clutter, promote community aesthetics and provide for vehicle and pedestrian safety. Further, signs shall improve pedestrian and vehicular traffic safety and be used for business and public locational and directional purposes only. Implementation of the sign regulations shall be consistent with the Comprehensive Plan and this Code.

Subsection 702.2 – Compliance

Every business, institution, multifamily development and residential subdivision, whether new or established in an existing structure, new structure or reconstructed, shall be required to obtain a sign permit for any sign placed on a building or free-standing sign constructed on property in the Town of St. Leo, except as may be exempted pursuant to Subsection 702.4. Regulations governing nonconforming signs are found in Subsection 702.11.

Subsection 702.3 – General provisions

These sign regulations are intended to complement the requirements of this Code, building and electrical codes. In the case of an inconsistency between these sign regulations and other provisions of any other applicable codes, the more stringent requirement shall apply. Unless otherwise provided for in this section, the following requirements apply to all signs in the Town of St. Leo.

A. *Sign definition*. A sign is defined as any visual display that uses characters, letters, logos, symbols, color or any visual medium to advertise the use, product or company that occupies the site (on-site sign) or a product or company that does not occupy the site (off-premise sign).

B. *Street address numbers*. Street numbers may be included on any sign and shall not count toward the square footage requirement for each business. Street address numbers are assigned by the Town Commission or its designee and are required for all buildings. The numbers shall be not less than three inches in height and shall be visible from a public thoroughfare.

C. *Permit required*. No sign shall be constructed, altered or extended until a sign permit pursuant to Subsection 406.2 has been granted. This requirement shall apply to all but exempt signs.

D. *Illumination*. For signs that are not internally or back lighted, white and yellow are the only colors of floodlights permitted on signs. No other type of lighting is permitted. Floodlights may only be directed at the face of the sign, and sign lighting shall not be directed at adjacent residential uses or be of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians using or entering a public right-of-way.

E. *Engineering plans required for signs*. Engineering plans may be required for any sign at the discretion of the Town Administrator or designee.

Subsection 702.4 – Exempt signs

The following signs are exempt from the requirements of this section, provided that they are not placed or constructed so as to create a hazard of any kind or located within the sight visibility triangle pursuant to Section 704 Parking and Access Management:

1. Public signs necessary to promote health, safety and welfare, as well as other regulatory, statutory, traffic control or directional signs erected on public or private property.
2. Legal notices and official instruments.
3. Holiday lights and decorations.
4. Memorial signs or tablets not exceeding 12 square feet in sign area containing the names of buildings, dates of erection and other non-advertising information when inscribed in a masonry surface or metal plaque and permanently affixed to the building.
5. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
6. Signs carried by a person.
7. Religious displays erected on church grounds.
8. One construction sign not exceeding 16 square feet in sign area and six feet in height.
9. One real estate yard sign per lot not exceeding six square feet in sign area and four feet in height, to advertise that the premise is for sale, rent or lease or is a model home.
10. Political signs for candidates who have qualified for office shall be permitted from the date the candidate qualifies until the primary election date or, if the candidate is successful, until the date of a run-off or the general election. Political signs are permitted on private property only and shall be removed within ten days following the primary election if the candidate is unsuccessful or within ten days following a run-off or the general election.

11. The American, state, or Town flag, when displayed properly, is not a sign under these regulations; however, the number of flags is limited to two flags per development site or residential lot and not to exceed a height of 12 feet.

12. Directional signs for construction sites, development entrance, parking lot or driveway entrance/exit signs. Directional signs shall not have the name, address or occupation of the tenants of a building. Two directional signs are permitted at each entrance provided that each sign does not exceed four square feet in area and two feet in height.

13. Yard or garage sale signs are permitted for the legal length of the garage or yard sale as per the Land Development Code. Yard or garage sale signs shall not exceed four square feet in size and shall not exceed four feet in height. Yard or garage sales are permitted for a period of not more than two consecutive days and not more often than twice per year or as permitted by the Land Development Code.

14. Grand opening signs for a new business or a relocated business in a new area. Displays consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, as well as other objects or material fastened in such a manner as to move in the wind, are permitted as grand opening signs. Grand opening signs shall be limited to a period not exceeding 30 days from the first day of the display of the grand opening signage, after which time the sign, displays and related paraphernalia shall be removed.

Subsection 702.5 – Prohibited signs

Except as otherwise permitted, the following types of signs are prohibited in all districts:

1. *Abandoned signs*. These are sign structures with no signage or incomplete signage or where only a partial sign structure exists. The Town Administrator shall issue a violation within 30 days of the creation of the abandoned sign. The violation shall stipulate the time certain, but not to exceed more than 60 days, for its removal or compliance with this section.

2. Signs that are in violation of the adopted building and/or electrical codes shall be brought into compliance with said codes.

3. Any sign that, in the opinion of the Town Administrator, constitutes a public safety hazard.

4. Signs imitating or resembling official traffic or government signs or signals.

5. Signs attached to trees, telephone poles, power poles, benches, streetlights, or signs placed on any public property or public right-of-way.

6. Signs placed on vehicles or trailers that advertise and are permanently parked or located off premises for the primary purpose of displaying said sign. This regulation

does not apply to lettering on buses, taxis, or vehicles operating during the normal course of business.

7. Signs with changeable copy.

8. Any sign obstructing traffic visibility or located within the visibility triangle pursuant to Section 703 Parking and Access Management.

9. Signs with moving, revolving or rotating parts.

10. Signs with lights or illuminations that flash, move, rotate, blink, flicker, or vary in intensity or color, except on theater marquees and electronic message boards that display community messages and/or time-temperature-date information.

11. Illuminated signs of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians using or entering a public right-of-way, or that are a hazard or nuisance to occupants of any property because of glare or other characteristics.

12. Signs emitting sound, odors, smoke, or steam.

13. Temporary signs, except as expressly permitted in this section or as may be deemed appropriate by the Town Administrator relative to public health, safety and welfare.

14. Portable signs.

15. Inflatable signs and advertising balloons if not classified as an exempt sign.

16. Signs consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move in the wind, as well as searchlights, lasers, and other paraphernalia used to advertise or promote a business or to attract customers to a property, if not classified as an exempt sign pursuant to the provisions of this section.

17. Roof-mounted signs that extend above any roof line of a building.

18. Signs painted on buildings.

19. Signage incorporating any water feature or the use of water in accompaniment with signage.

20. Any type of sign not specifically enumerated in this section.

Subsection 702.6 – Measurement of sign area

The area of a sign shall be that area contained within the common geometric figure such as a square, rectangle, parallelogram, triangle, circle or semicircle that encloses all names, numbers, logos, pictures, trademarks or other symbols or commercial messages, the sides of which touch

the extreme points or edges of the sign face. Permitted maximum sign area is per sign face. A sign is permitted to have not more than two sign faces.

Where a sign is composed of letters or pictures attached directly to a wall, facade or marquee and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the sum of areas within the smallest rectangle, parallelogram, triangle, circle or semicircle whose sides touch the extreme points of each letter or picture.

Subsection 702.7 – Sign setbacks/landscaping

All signs, except exempt signs, shall be set back at least ten feet from the property line or as otherwise permitted by this section. Setbacks shall be measured from the leading edge of the sign structure. All exempt signs can be located on the property line. No sign shall project over or be located within the public rights-of-way or within the sight visibility triangle pursuant to Section 704 Parking and Access Management.

Subsection 702.8 – Master signage plan

All projects require approval of a master signage plan. The master signage plan shall require uniform architectural theme, materials, lettering style and color for all signage proposed for a project. The Town Commission may, as part of the approval of a PUD master signage plan, permit up to an additional 25 percent of the total permitted sign area. All project master signage plans must include an illustration of each proposed signage type for the project.

Subsection 702.9 – Permitted signs

All signs pursuant to the following subsections require a sign permit per Subsection 406.2 and shall comply with the following regulations specific to each type, except exempt signs.

Subsection 702.9.1 – Business zoning district, single user

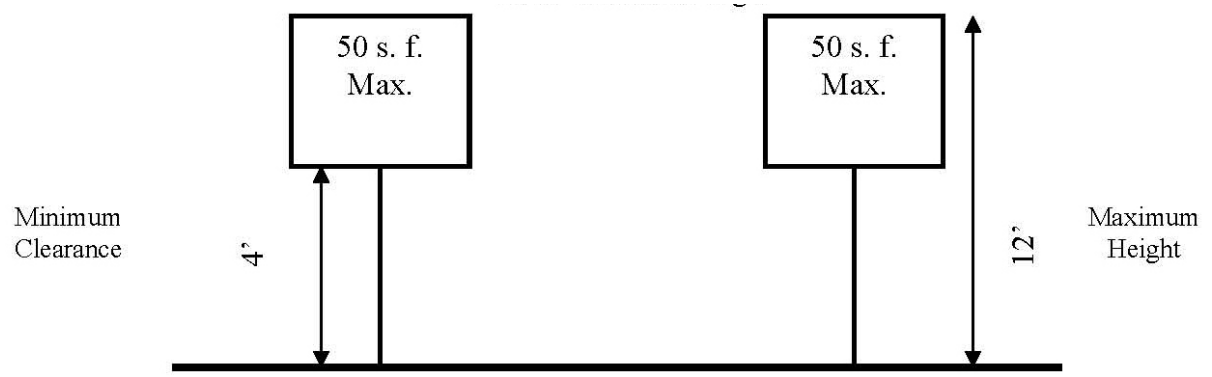
On-site and off-premises signs are permitted on property zoned for such uses within the Business District as specified below.

A. *Total signage*. A total of 80 square feet of signage (the sum of all sign faces for all types of permitted signs) is permitted for each development site, except that each development site may construct or erect only one freestanding sign.

B. *Freestanding sign*. The one permitted freestanding sign may be a pole or ground-mounted sign. The maximum sign area for a pole or ground sign is as follows:

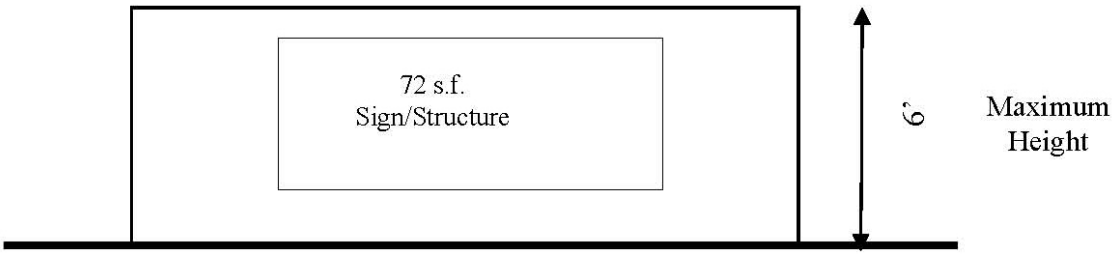
1. *Pole-mounted sign*. A pole-mounted sign shall not be greater than 12 feet in height with a sign face area of not more than 50 square feet and a minimum four-foot clear area between the ground and the bottom edge of the sign. The sign may be constructed or erected on one or more poles (Figure 702.9.1 - A).

Figure 702.9.1 – A



2. *Ground-mounted sign*. To encourage ground-mounted signs (either horizontally or vertically oriented), the maximum area of the sign face shall not be greater than 72 square feet. The maximum height of a ground-mounted sign structure shall not exceed six feet (Figure 702.9.1 - B). To further encourage ground-mounted signs, the total site permitted sign area may be increased to 96 square feet.

Figure 702.9.1 – B



C. *Building-mounted signs*. A building-mounted sign is a sign that is mounted flat on a wall or projecting from the building or roof or is part of a canopy. Only one building-mounted sign is permitted and its area is included in the calculation of total signage permitted for the development site. A building-mounted sign may be mounted on the roof, but shall not exceed the height of the building roofline or three feet, whichever is the lesser height. No building-mounted sign shall project more than three feet perpendicular from the building.

D. *Window advertising*. Window advertising of the kind described in this paragraph shall not count against the total signage for a development site; however, it is regulated in the following manner. Not more than 25 percent of glass surfaces of windows facing a public street or right-of-way in any building may be utilized for signage or display of goods. This includes, but is not limited to, posters, fliers, advertisements or display racks.

Subsection 702.9.2 – Drive-thru restaurant menu sign

Drive-thru restaurants are permitted one outdoor menu board per drive-thru lane. The maximum sign face area shall not exceed 24 square feet, nor shall the sign structure exceed six feet in height. The menu board shall be set back a minimum ten feet from the property line and shall not count toward the total permitted signage for the development site.

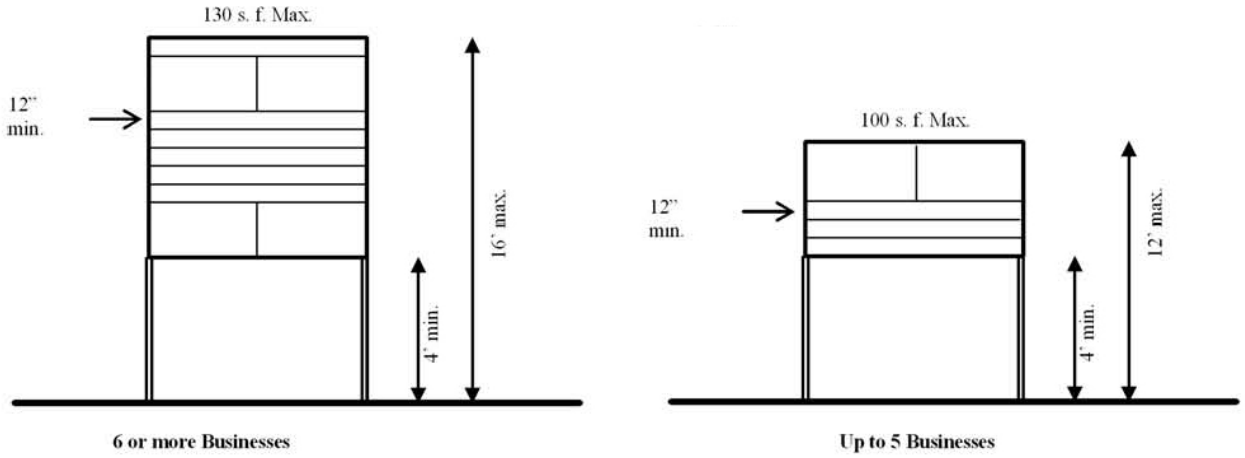
Subsection 702.9.3 Business zoning district—Shopping/business center signs.

Shopping centers, professional or medical office centers, and new automobile dealerships make up a special category of business land uses. Because they are composed of a center owner and individual businesses within the center, the following signage is permitted.

A. *Pole-mounted sign*. One pole-mounted sign is permitted along each front or street side yard that abuts an arterial or collector roadway. For the purposes of this section, on corner lots, the front yard shall be considered the largest street frontage dimension and any other street frontage shall be considered the street side yard. The maximum sign area is based on the number of tenants.

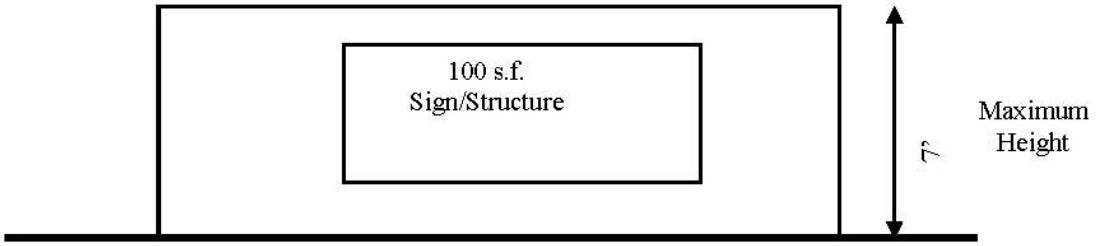
The maximum sign area and height for a sign along the front yard is limited as depicted in *Figure 702.9.3 – A* and shall contain not more than two sign faces. The maximum sign area and height along the street side yard shall be 50 percent of that permitted in the front yard. The sign may be constructed or erected on one or more poles. Business directories are inclusive of the total permitted sign area, not in addition to it. Individual business directory signs should be a minimum of 12 inches in height.

Figure 702.9.3 – A



B. *Ground-mounted sign*. A maximum of two ground-mounted signs (either horizontally or vertically oriented) are permitted along the property's front yard that abuts an arterial or collector roadway. One additional sign is permitted on any street side yard that abuts an arterial or collector roadway. For the purposes of this section, on corner lots, the front yard shall be considered the largest street frontage dimension and any other street frontage shall be considered the street side yard. The maximum sign area per face for a ground-mounted sign in the front yard is 100 square feet (Figure 702.9.3 - B). The maximum sign area per face permitted along the street side yard is 72 square feet. The maximum sign height permitted is seven feet. Business directories are permitted as a part of this sign, but not in addition to it. Individual business directory signs should be a minimum of 12 inches in height.

Figure 702.9.3 – B



C. *Business in a shopping/strip center*. Individual businesses within a center are permitted one building-mounted sign, which includes a wall-mounted sign, projecting sign, awning sign and/or hanging sign. A building-mounted sign may be mounted on the roof but shall not exceed the height of the building roofline or be three feet in height, whichever is the lesser height. No building-mounted sign shall project more than three feet perpendicular from the building. Hanging signs shall provide for a minimum height clearance of eight feet from the ground or sidewalk to the bottom of the sign. The total building-mounted signage for an individual business in a shopping/strip center is based on the following table (Table 702.9.3):

Table 702.9.3

Gross Leasable Area	*Maximum Square Footage of Building Mounted Signage per Business*
Less than 25,000 square feet	24
25,001 to 40,000 square feet	50
Over 40,000 square feet	60

D. *Window advertising*. Window advertising of the kind described in this paragraph shall not count against the total signage for a development site; however, not more than 25 percent of the glass surface of windows facing a public street or right-of-way in any building may be utilized for signage or occupied by any other opaque items that block the glass. This includes, but is not limited to, posters, fliers, advertisements, display racks, other interior furnishings, and similar materials or objects or a neon sign.

Subsection 702.9.4 – Religious institutions

Churches are permitted the following signage provided that all such signage is submitted for approval as part of an architecturally consistent sign package for the entire property.

A. Wall signage square footage shall be limited to a maximum of 12 percent of the square footage of the façade of the building on which it is located. Such signage may or may not be illuminated and may consist of one or more signs. If wall signage is placed on more than one building façade, the total building wall signage square footage for each building shall be equal to or less than 12 percent of the square footage of that building's largest façade.

B. One freestanding sign shall be permitted at a maximum height of eight feet and a maximum sign area square footage of 70 square feet per sign face. Such sign area may include an electronic

message board or illuminated or non-illuminated signage. Display of the property address on the sign shall not be counted toward the square footage limitation. Such freestanding sign shall be set back a minimum of ten feet from all property lines.

Subsection 702.9.5 – Signs in residential zoning districts

Certain uses that may be located in residential zoning districts are permitted to construct or erect signs as follows.

A. *Residential subdivision signs*. Residential subdivision signs are permitted to display only the name of the subdivision, condominium or apartment complex. A residential subdivision sign shall be a ground-mounted or wall/fence-mounted sign. Ground-mounted and/or wall-mounted signs are permitted at each entrance. The total maximum area of the signage at each entrance, as seen from one side, shall not exceed 42 square feet in area. The maximum height of a ground-mounted and/or wall-mounted sign structure shall not exceed six feet.

Subsection 702.9.6 – Signs in institutional land zoning district

Uses in the institutional land zoning district are public or semi-public in nature and have the following on-site sign regulations.

A. An institutional use identity sign shall be a ground-mounted or wall/fence-mounted sign. The maximum area of the sign face and structure as seen from one side shall not exceed 48 square feet in area. The maximum height of a ground-mounted or wall-mounted sign structure shall not exceed six feet. Two freestanding ground-mounted or wall-mounted signs, one on each side of every approved entrance, are permitted.

B. One directory sign (a sign which gives the direction, name and/or address of the buildings) is permitted at each major entrance to the facility. Saint Leo University is permitted unlimited additional directory/directional signage internal (not located at a main entrance and set back at least 50 feet from C.R. 52 and campus boundaries) to the campus. The directory/directional sign shall not exceed 32 square feet in size and six feet in height as measured from finished grade.

C. Each building is permitted one building-mounted sign not to exceed 24 square feet in size and four feet in height on each side of the building and one ground-mounted sign not to exceed 24 square feet in size and four feet in height. Each building entrance is permitted a maximum of 12 square feet of signage not to exceed two feet in height.

D. An institution is permitted stadium scoreboards which are permitted to have advertising, at each athletic field not to exceed 20 feet in height as measured from finished grade. Scoreboards may be free standing or attached to a building.

E. An institution is permitted an entrance sign which spans a main entrance point to the institution in the form of an arch. Such entrance archway sign is subject to the following:

1. Shall be architecturally consistent as determined by the Town Commission, with the primary architecture of the institution;

2. Shall not exceed a maximum height of 24 feet above the entrance roadway;

3. Shall provide a minimum of 14 feet of clearance from the roadway at any point of the archway above the entrance roadway and 1.5 feet from the edge of the pavement of the entrance roadway to the supporting columns for the archway sign;

4. Shall have a maximum combined sign area of 60 square feet; and

5. Shall not be internally illuminated nor backlighted. White or yellow floodlights directed only at the sign face may be permitted provided they do not impair or cause glare to the vision of motorists, cyclists, or pedestrians using or entering the driveway or public right-of-way.

Subsection 702.9.7 – Signs in agricultural zoning district

Uses in the agricultural zoning district have the following sign regulations.

A. One sign with the name of the farm or agricultural business is permitted as a ground-mounted, entrance feature type (e.g., archway over entrance) or wall/fence-mounted sign with a maximum 24 square feet in size and four feet in height; however, an entrance archway feature type sign may be permitted up to 12 feet in height.

B. One roadside stand sign (ground- or building-mounted sign) not exceeding 16 square feet in size and four feet in height, relative to the sale of farm produce, is permitted.

Subsection 702.9.8 – Signs in permanently open land district

Uses in the permanently open land zoning district have the following on-site sign regulations.

A. A use identity sign shall be a ground-mounted or wall/fence-mounted sign. The maximum area of the sign face and structure as seen from one side shall not exceed 42 square feet in area. The maximum height of a ground-mounted or wall-mounted sign structure shall not exceed six feet.

B. Each building is permitted one building-mounted sign not to exceed 24 square feet in size and four feet in height.

Subsection 702.10 – Maintenance

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the Town of St. Leo and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

Subsection 702.11 Nonconforming signs

A sign that legally existed prior to the adoption of this Land Development Code that does not strictly comply with the regulations of this section is both a legal nonconforming use and a legal nonconforming structure. Every nonconforming sign shall be brought into compliance with the regulations of this section under certain conditions.

A. *Damage requiring compliance*. Nonconforming signs shall be maintained in the same good appearance and safe condition as required by this section and the Town's building code for conforming signs and structures in the Town. Nonconforming sign structures that become damaged from any cause and are deemed by the Town Administrator or designee to no longer comply with the building code shall be removed within 30 days. The sign may be replaced with a sign and structure that is in compliance with these regulations.

B. *Alterations and modifications requiring compliance*. Alterations, modifications and other changes can result in the loss of the legal nonconforming status of a sign and/or sign structure. The following activities or circumstances constitute alterations, modifications, changes and actions that result in the loss of legal nonconforming status and the requirement that the sign and/or sign structure be brought into full compliance with this section or removed entirely.

1. A change in the land use conducted on the development site. A change of land use for the purposes of this section shall mean a change to a use with different sign regulations or a change from one zoning district to another zoning district.

2. A change in ownership or the name of a business which involves the voluntary replacement of the face of a nonconforming sign, even though the business and other structures on the development site are not otherwise altered. Individual business directory boards for nonconforming shopping center signs may be changed without requiring the entire nonconforming sign to be brought into compliance.

3. Relocation or replacement of a nonconforming sign structure, whether voluntarily by the owner of the business or because of the required relocation of the nonconforming sign structure due to an acquisition or taking associated with a public improvement, shall require the sign to be brought into compliance with this section.

4. No sign may be altered in such a way that it increases the degree of nonconformity. Any alteration or renovation of a sign that exceeds 25 percent of its replacement value shall require the sign to be brought into compliance with this section.

5. Movement, in whole or in part, of a legal nonconforming sign structure to another location on the same parcel or lot that it occupies, or transportation of the sign to any other parcel of land in the Town, unless such movement or transportation shall render the sign and/or sign structure fully conforming with this section, shall be prohibited.

SECTION 703 – LANDSCAPING, BUFFERING AND TREE PROTECTION

Subsection 703.1 – Purpose and intent

A. The intent of this section is to provide for general landscaping requirements for development, tree protection and replacement standards and the buffering between potentially incompatible land uses and associated activities through landscaping. Associated activities include, but are not limited to open spaces, stormwater ponds, vehicular use areas, loading dock areas and outdoor storage.

B. Additionally, this section intends to promote the health, safety and welfare of the current and future residents of the Town by establishing minimum standards for the regulation of the preservation, protection and removal of trees within the Town.

C. Trees are declared as a significant natural and visual resource, particularly as related to protecting the aesthetic character of the forested areas and visual corridors (C.R. 52 and Lake Jovita) defined in the Town of St. Leo visual corridor study.

D. Protecting trees maintains the aesthetic character and quality of the Town of St. Leo as adopted in the Comprehensive Plan. The aesthetic quality of the Town is comprised of the forested shoreline of Lake Jovita and its surrounding hillside, and the forested hillsides along C.R. 52.

E. Trees provide significant environmental benefits such as purifying and cooling the ambient air, providing shade, conserving energy, reducing noise levels, providing important habitats for wildlife, preventing soil erosion and flood control.

Subsection 703.2 – Definitions

The following words and phrases as used in this section are defined as follows:

Canopy trees are plant specimens that have a three-inch DBH or greater, are at least ten feet in height, and are of the following Florida native species:

1. Pine (*Pinus* spp. except *pinaster*).
2. Live oak (*Quercus virginiana* or *geminata*).
3. Laurel oak (*Quercus hemispherica* or *laurifolia*).
4. Eastern red cedar (*Juniperus virginiana*).
5. Maple (*Acer* spp. except *platanoides*).
6. Cypress (*Taxodium* spp.).
7. Magnolia (*Magnolia* spp.).
8. Sweetgum (*Liquidambar styraciflua*).
9. Royal palm (*Roystonea regia*).

10. Hickory (*Carya* spp.).

11. Other Florida native trees not listed above as determined to be an acceptable, regionally- and site-appropriate canopy tree through the review process or other Florida-friendly trees as determined to be an acceptable, regionally- and site-appropriate canopy tree in the review process. The Florida-friendly plant list as most recently updated by University of Florida/IFAS will be utilized as a guide in the approval of appropriate plant materials.

Diameter at breast height (DBH) means the diameter of the tree measured at four and one-half feet above the existing grade.

Exempt trees are plant specimens that have less than a five-inch DBH, or are of the following species: Australian pine; Brazilian pepper, palms with the exception of royal palms, and any species listed as "Prohibited", "Invasive (No Uses)", "Invasive" or "High Invasion Risk" for central Florida by the University of Florida/IFAS Assessment of Non-native Plants in Florida's Natural Areas.

Grand trees are plant specimens that have a 20-inch or greater DBH and are of a Florida native species.

Palm trees are plant specimens having a minimum of ten feet of clear trunk including but not limited to royal palms or other Florida native or Florida-friendly species determined to be an acceptable palm tree through the review process. The Florida-friendly plant list as most recently updated by the University of Florida/IFAS Extension will be utilized as a guide in the approval of appropriate plant materials.

Shrubs are plant specimens at least 24 inches in height and are of the following Florida native or Florida-friendly species: Indian hawthorn (*Rhaphiolepis* spp.), pittosporum (*Pittosporum* spp.), viburnum (*Viburnum* spp.), azaleas (*Rhododendron* spp.), junipers (*Juniperus* spp.) or other specimen determined to be an acceptable shrub through the review process. The Florida-friendly plant list as most recently updated by the University of Florida/IFAS Extension will be utilized as a guide in the approval of appropriate plant materials.

Understory trees are plant specimens that have a one and one-half inch DBH or greater, are at least five feet in height and are of the following Florida native or Florida-friendly species: coastal plain willow (*Salix caroliniana*); crape myrtle (*Lagerstroemia* spp.); bottlebrush (*Callistemon* spp. except *viminalis*); yaupon holly (*Ilex vomitoria*); Florida privet (*Forestiera segregata*); wax myrtle (*Myrica cerifera*); or other specimen determined to be an acceptable understory tree through the review process. The Florida-friendly plant list as most recently updated by the University of Florida/IFAS Extension will be utilized as a guide in the approval of appropriate plant materials.

Subsection 703.3 – General landscaping requirements

A. All new residential development shall provide or preserve on site a minimum of three canopy trees as defined in this section, per dwelling unit in addition to any other required

landscaping as identified on the site plan or through plat approval. Prior to the issuance of a certificate of occupancy, the building inspector shall verify that said landscaping is provided.

B. All new commercial and institutional development shall provide or preserve on site a minimum of 20 canopy trees as defined in this section, per acre in addition to any other required landscaping as approved through the required site plan review process. Prior to the issuance of a certificate of occupancy, the building inspector shall verify that said landscaping is provided.

Subsection 703.4 Landscape buffers between potentially incompatible uses.

A. Required landscape buffering is in accordance with the landscape buffer matrix (Table 703.4), which establishes buffer types and requirements from abutting uses. Figure 703.4 illustrates the planting requirements for each buffer type. The buffer width requirements are based on two landscaping alternatives: the provision of landscaping only or the provision of landscaping with a fence, decorative masonry wall or berm. Where a wall or solid fence is provided or required by this section, all landscaping shall be in front of the wall or fence. All landscape buffers are required to be irrigated with an in-ground water efficient system and, where possible, utilize reclaimed water.

B. Buffer and landscaping requirements for special exception uses as defined in the zoning district use matrix shall be established by the Town Commission as part of the special exception use approval process, but shall, at a minimum, conform with Type B buffer requirements, except as provided for in this section.

C. Vehicle sales, service stations, convenience stores with or without gas pumps, restaurants with drive-throughs, lounges and bars and shopping centers and other similar permitted or special exception uses, because of their level of activity and hours of operation, require greater buffering from abutting single-family and multifamily residential districts. The required landscape buffer width shall be ten feet, landscaped pursuant to the Type B buffer requirements and shall provide a six-foot high decorative, solid fence or masonry wall.

D. *Planting requirements*. The required landscaping shall be based on the number of plants per 100 linear feet or fraction thereof (rounding up to the nearest whole number). At least 80 percent of all canopy and understory trees shall be site- and regionally appropriate native species. Credit shall be given for existing on-site healthy native canopy trees that are located along the property boundary. Credit for existing healthy trees is as follows: One canopy tree for each tree between three-inch DBH and less than a ten-inch diameter at breast height (DBH) and two canopy trees for each tree with a ten-inch DBH or greater. Existing healthy understory trees a minimum one and one-half inch DBH will be credited on a one to one basis. The substitution of three palm trees or two understory trees for each required canopy tree may be approved through the review process. All landscape planting materials shall be Florida Grade No. 1.

E. *Maintenance and management*.

1. All required landscaping and irrigation shall be maintained and managed to ensure efficient water use, prevent wasteful practices and promote healthy and proper tree, shrub and turf/grass growth. Maintenance shall include utilizing best management practices such as proper pruning, mulching and periodic sprinkler system maintenance.

2. Should the Town Commission or its designee find that required landscaping is not being properly maintained or has died, the property owner shall be required to replace the landscaping pursuant to a compliance time prescribed by the Town Commission or its designee or be subject to Section 110 Enforcement, Penalties and Remedies.

Table 703.4 - Landscape Buffer Matrix

	Abutting Use Category/Zoning District[1, 2]					
Proposed Use Category/Zoning District[1]	Agricultural	Single-Family (RDR, LDR)	Multifamily (MDR)	Business (B)	Institutional (I)	Right-of-Way[3]
Agricultural (A)	N	C	C	B	B	A
Single-family (LDR, RDR)	N	N	N	N	N	N
Single-family subdivision (LDR, RDR)	N	B	B	A	A	A
Multifamily (MDR)	N	B	N	B	A	B
Business (B)	N	B[(4)]	B[(4)]	A	A	B
Institutional (I)	N	C[(4)]	C[(4)]	B	N	C

Notes:

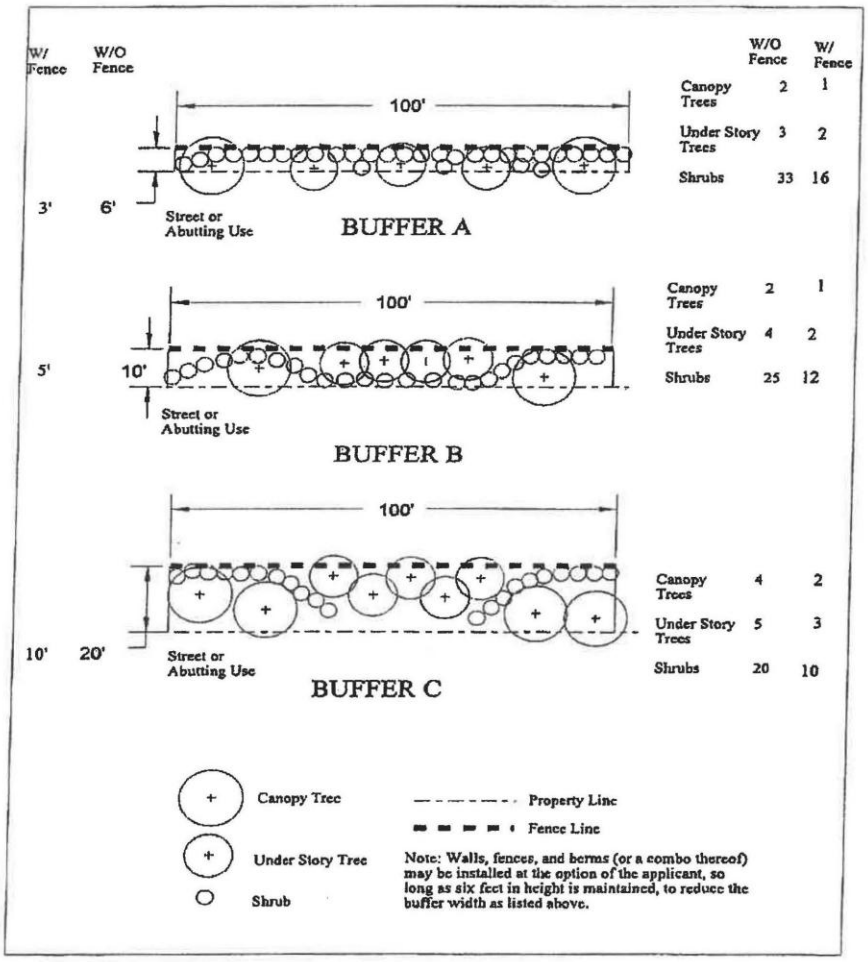
[1]Refer to zoning district use matrix for a list of permitted and special exception uses for each of the above general use categories. "N" refers to no buffer required. The letters "A," "B," and "C" refer to type of required buffer and are described in Figure 703.4 below.

[2]If the abutting use is vacant land or the abutting use is a nonconforming use, then the buffer shall be based solely on the zoning district.

[3]All development along C.R. 52, except for single-family homes, shall provide a Type C buffer. Development along other road rights-of-way refer to Table 703.4 for the required buffer.

[4]Institutional and business uses, because of their level of activity and scale of development, require greater buffering from abutting single-family and multifamily residential districts. The minimum required landscape buffer width shall be 20 feet, landscaped pursuant to the Type C buffer planting requirements, and shall provide a six-foot high decorative solid fence or masonry wall. The required landscaping must be placed in front of the fence/wall.

Figure 703.4 – Buffer Types and Requirements[1]



Note:
[1]Refer to Subsection 703.2 for permitted tree species and Subsection 703.4 for planting requirements.

Subsection 703.5 – Vehicular use area landscaping requirements

A. Vehicular use areas (all areas used for the circulation, parking, and/or display of any and all types of vehicles, boats, or heavy construction equipment, whether self-propelled or not, and all land upon which vehicles traverse, including parking lot driveways) shall provide at a minimum a Type B landscape buffer along the perimeters of the vehicular use areas that abut adjacent property boundaries or rights-of-way. Where a greater buffer is required pursuant to Table 703.4 of Subsection 703.4, then the greater buffer requirement shall be provided. One landscaped island shall be provided at the terminal end of each row of parking and one landscaped island is required for each ten parking spaces (see Figure 703.5).

B. Where a parking lot perimeter does not abut an adjacent property or right-of-way, then a minimum perimeter buffer width of five feet with one canopy tree per 30 linear feet is required. One

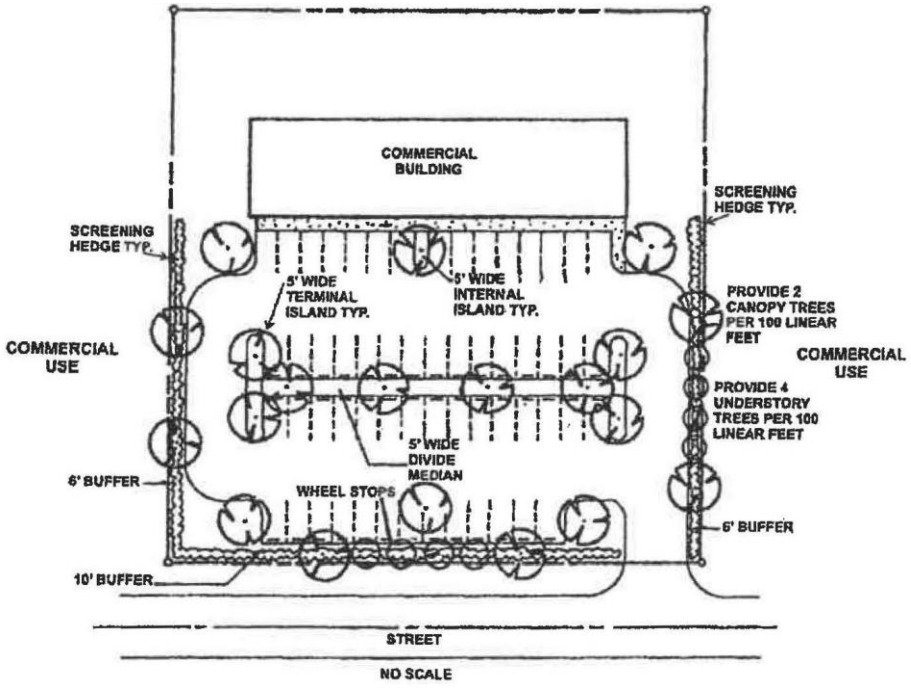
landscaped island shall be provided at the terminal end of each row of parking and one landscaped island is required for each ten parking spaces (see Figure 703.5).

C. Vehicular use areas shall provide a minimum ten percent of the total vehicular use area in interior landscaped open space. Perimeter landscape buffers provided in excess of the perimeter requirement can be counted toward meeting the interior open space requirement.

D. Interior landscape islands shall be at a minimum five feet in width. Where a linear landscaped divider median (minimum five feet in width) is provided to separate parking spaces, one landscaped island shall be provided at the terminal end of each row of parking. Where a linear landscaped divider median is not provided, then one landscaped island is required for each ten parking spaces (see Figure 703.5).

E. Interior and perimeter landscaping shall provide at a minimum one canopy tree for each terminal end landscape island. One canopy tree shall be planted for each 30 linear feet of a landscape divider median (see Figure 703.5).

Figure 703.5 – Parking Lot Landscape Example



Subsection 703.6 – Nonconforming landscape buffers and vehicular use area landscaping requirements

An existing development that does not comply with the requirements of this section must be brought into full compliance when one of the following occurs:

1. The site building square footage is increased by 25 percent or more or the vehicular use area is replaced or paved.

2. Site and/or building renovations exceed 50 percent of the assessed value of the property (buildings and land) per the Pasco County Property Appraiser's records.

Subsection 703.7 – Open space and stormwater pond landscaping requirements

A. Required open space areas shall be landscaped with one canopy tree or two understory trees for each 2,000 square feet of open space area.

B. Stormwater ponds located adjacent to public right-of-way or private property shall be landscaped along the top of the bank with one canopy tree or two understory trees for every 50 linear feet. Pond slopes shall be planted with grass and/or plants as recommended by the Southwest Florida Water Management District. Any fencing along the pond perimeter shall be decorative wood, PVC or composite fencing, wrought iron or simulated wrought iron, or black or green vinyl coated chain link fencing.

C. Fifty percent of a stormwater pond may be located within the required perimeter buffer and/or parking lot buffer, provided the buffer planting requirement is met along the top of the bank.

Subsection 703.8 – Tree replacement

Notwithstanding exemptions to tree removal permit requirements provided in Subsection 406.3, all trees that are removed, except for exempt trees as defined in this section or trees that pose an unacceptable risk pursuant to F.S. § 163.045, must be replaced according to the following requirements.

A. Minimum tree replacement size is three-inch DBH and ten feet in height, and Florida No. 1 grade quality or better.

B. The replacement tree(s) shall be Canopy Trees as defined in Subsection 703.2. The replacement tree(s) may be located anywhere on the subject property. Required tree replacement is pursuant to (C), (D), and (E) below or by providing replacement trees (greater than three-inch DBH) equivalent to the total required DBH.

C. The minimum number of replacement trees for the removal of a canopy tree between five-inch DBH but less than ten-inch DBH is at a ratio of two canopy tree replacement trees for each tree removed. Palm trees may be utilized as replacement trees at a ratio of three palms per required replacement tree.

D. The minimum number of replacement trees for removal of a canopy tree between ten-inch DBH to less than 20-inch DBH is at a ratio of three canopy tree replacement trees for each tree removed.

E. The minimum number of replacement trees for removal of a grand tree is at a ratio of four canopy tree replacement trees for each grand tree removed.

F. Pursuant to approval by the Town Commission, tree replacement may be achieved by contribution to the Town of St. Leo Tree Mitigation Fund as outlined in Subsection 703.10.

G. Required landscape buffers and parking lot landscaping cannot be utilized to meet the tree replacement requirement.

Subsection 703.9 – Tree protection relative to land development.

A. All trees not permitted for removal shall be protected from land development activities (land grading and grubbing and stormwater) and building (new buildings and additions) and road construction activities. Protective barriers shall remain in place until completion of the land development and construction activity.

B. Protective barrier means a physical structure composed of wood, metal or other substantial materials of at least four feet in height. The barrier shall be constructed around the tree or groups of trees and located at least six feet from the base of the tree or tree group.

C. Topping, pruning or trimming a tree inconsistent with the American National Standards Institute (ANSI) A300 Tree Care Standards, as amended, which is incorporated by reference, is prohibited.

Subsection 703.10 – Tree mitigation fund

A. A tree mitigation fund is hereby established as a separate revenue line item, which consists of all monies collected pursuant to this section or as budgeted by the Town Commission. Revenues from the tree mitigation fund shall be used solely for the purchase, planting and maintenance of trees on Town property, properties designated permanently open land or within street rights-of-way.

B. In lieu of providing on-site replacement trees for the removal of trees required by Subsection 703.8 the property owner and/or applicant shall have the option to make a cash contribution in the amount of the total retail cost of the number of replacement canopy trees required but not provided on-site, plus installation costs and administrative fees as established by the Town Commission. The retail cost per replacement canopy tree, as established by the Town Commission, shall be based on the cost for a canopy tree of Florida No. 1 grade quality or better.

Subsection 703.11 – Violations and penalties.

A. Whenever a violation(s) of this section occurs or exists, or has occurred or existed, any person, individual, entity, or otherwise who has legal, beneficial, or equitable interest in the facility or instrumentality causing or contributing to the violations, and any person, individual, entity, or otherwise, who has legal, beneficial, or equitable interest in the real property upon which such violation(s) occurs or exists, or has occurred or existed, shall be liable for such violation(s).

B. Fines, penalties, remedies, and prosecution for any violation of this section shall be pursuant to Section 110, Enforcement, Penalties and Remedies.

SECTION 704 – PARKING AND ACCESS MANAGEMENT

Subsection 704.1 – Parking dimensional standards

The following tables identify parking requirements for various uses. The Town Commission or its designee may make interpretations relative to the definition of uses and related parking requirements. Parking requirements for uses not delineated in the table shall be as determined by the Town Commission. In terms of calculating required number of parking spaces, any fraction thereof shall be rounded up to the next whole number.

Table 704.1 – Parking Requirements

Use	Parking Requirement
Agricultural	
Raising of farm animals, fruits and vegetables	1 space/employee
Produce stand	1 space/300 GFA
Nurseries/greenhouses (wholesale/retail sales)	1 space/employee
Veterinary clinics/animal hospital	1 space/200 GFA
Kennels	1 space/400 GFA
Public riding stables	1 space/5 stalls
Residential	
Single mobile home	2 spaces/unit
Mobile home park	2 spaces/unit plus 0.25 spaces per unit for visitor parking
Single-family	2 spaces/unit
Multi-family	Studio: 1 space/unit 1 bedroom: 1.5 spaces/unit 2 or more bedrooms: 2 spaces/unit
Planned unit development	Determined by commission
Adult congregate living facility/nursing home	1 space/employee at largest shift plus 1 space/4 clients
Bed and breakfast	2 spaces/unit plus 1 space/employee
Temporary housing (construction, model home, post-disaster housing)	2 spaces/unit
Community residential home	1 space/employee at largest shift plus1 space/4 clients plus 1 space per facility vehicle
Business-Office/Personal Services	
Professional office (real estate, attorney, architect, etc.)	1 space/300 GFA
Medical office/clinic; financial institution	1 space/250 GFA
Personal services (beauty/barbershop, tailor/seamstress, shoe repair, etc.)	1 space/chair (barber/beauty shop); otherwise 1 space/300 GFA
Day care	1 space/employee plus 1 space/facility vehicle plus 1 space/15 students
Funeral home	1 space/100 GFA plus one space/employee
Dry cleaning, laundromat	1 space/300 GFA
Business-Retail Sales/Services	
Retail sales/outlets; specialty retail; electronics and drug stores; beverage package store	1 space/300 GFA
Convenience store	1 space/300 GFA plus 1 space/4 pumps
Service station/vehicle repair	1 space/employee plus 3 spaces/bay
Grocery store, meat market, specialty foods	1 space/250 GFA

	Sit-down Restaurants	15 spaces/1,000 GFA
	Restaurants with drive-thru	10 spaces/1,000 GFA
	Hotel/motel	1 space/unit
	Mini-warehouse	1 space/10 storage units plus 1 space/employee
	Art, arts and crafts, photography studios/galleries	1 space/1,000 GFA
	Furniture/appliance stores; hardware store	1 space/400 GFA
	Retail sales with light manufacturing/assembly on-site with three or less total employees (furniture/cabinet making)	1 space/400 GFA plus 1 space/employee
	Shopping/strip center	1 space/200 GFA
	Vehicle/equipment sales/rentals; vehicle parts sales	1 space/300 GFA
	Car wash (stand alone or as part of convenience store or service station)	1 space/1,000 GFA
Business-Recreation		
	Golf courses (public or private)	2 spaces/hole
	Indoor recreational centers (bowling, games, billiards, etc.)	Determined based on type of activity
Institutional/Government		
	Religious institution (church, synagogue)	1 space/4 seats
	College/university	0.5 space/student
	Government offices	1 space/300 GFA
	Government services (police, fire)	1 space/employee at largest shift
	Hospitals	2 spaces/bed
	Telecommunication towers	1 space/tower
	Utility substations	1 space/substation

Subsection 704.2 – Parking dimensional standards

A. Minimum parking space dimensions:

1. Single-family: 8.5 feet in width by 18 feet in length.

2. Nonresidential: Nine feet in width by 18 feet in length. Up to 25 percent of the total required parking may be compact spaces at 8.5 feet in width by 18 feet in length.

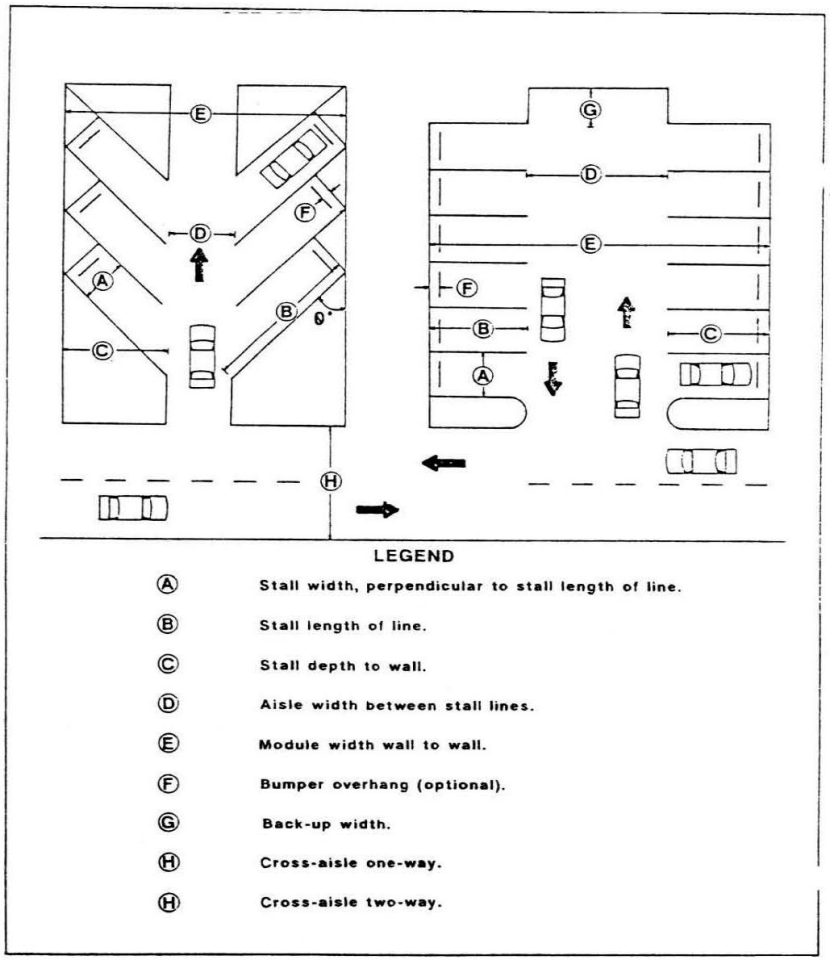
3. All paved parking spaces shall be striped and have wheel stops.

B. Parking space and lot layout dimensional standards are defined in Table 704.2 and illustrated on Figure 704.2:

Table 704.2 – Parking Lot Layout Dimensional Standards

		Parking angle (dimensions in feet)				
Parking lot layout design elements	Designation letter on Figure 704.2	0°	45°	60°	75°	90°
Stall width perpendicular to stall length of line	A	9.0	9.0	9.0	9.0	9.0
Stall length of line	B	24.0	27.0	23.2	20.4	18.0
Stall depth to wall	C	9.0	19.1	20.0	19.7	18.0
Aisle width between stall lines	D	12.0	11.0	18.0	22.0	24.0
Module width wall to wall	E	30.0	49.2	58.2	61.4	60.0
Bumper overhang[1] (optional)	F	2.0	2.0	2.0	2.0	2.0
Back-up width	G	—	—	—	—	7.0
Cross-aisle one-way	H	10.0 (min.) and 15.0 (max.)				
Cross-aisle two-way	H	20.0 (min.) and 30.0 (max.)				

Figure 704.2 – Parking Lot Layout Illustration



Subsection 704.3 – Vehicle use areas

A. All vehicle use areas shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface including, but not limited to, a gravel, concrete, pervious pavement or bituminous concrete surface. Where practical, pervious pavement should be utilized. Grass parking surfaces may be approved for up to 25 percent of the required parking spaces and for all parking spaces in excess of the required parking. However, all Americans with Disabilities Act accessible spaces and driveway aprons onto a public street shall be paved

B. All parking spaces and related maneuvering shall be accomplished completely on-site and shall not utilize rights-of-way for maneuvering into and/or backing out of the parking space or loading area.

Subsection 704.4 – Obstructions to vision at street intersections prohibited

A. In all districts on a corner lot, within the triangular area formed by a straight line connecting the points on the centerlines of the streets at a distance of 90 feet from their intersections, there shall be no obstruction to vision between a height of three and one-half feet and a height of ten feet above the average grade of each street at the center line thereof. The requirements of this section apply to plant materials, signs and structures, but shall not prohibit any necessary retaining wall.

Subsection 704.5 Nonconformities to parking requirement.

A. An existing development that does not comply with the requirements of this section must be brought into full compliance when one of the following occurs:

1. Twenty-five percent or more of the site building square footage is increased.
2. Site and/or building renovations exceed 50 percent of the assessed value of the property (buildings and land) based on the current assessment as shown on the Pasco County Property Appraiser records or an approved appraisal prepared by a certified property appraiser.
3. A change to a use with a greater parking requirement.

Subsection 704.6 Access management

A. The main intent of access management is the reduction of conflict points and improvement of traffic circulation. The measurable improvements to the road system resulting from access management include reducing the number and severity of accidents, increasing highway capacity, and decreasing travel time. These goals can be achieved by a number of means, including but not limited to:

1. Limiting the number of conflict points that a vehicle experiences in its travel.
2. Separating conflict points as much as possible where they cannot be completely eliminated.

3. Removing slower turning vehicles which require access to adjacent sites from the traffic lanes of through vehicles.

4. Requiring cross-access between development parcels.

B. Driveway design and spacing requirements.

1. One driveway on any local road shall be permitted for ingress/egress purposes for any project, including a single-family lot. No driveway access to any local road shall have a turning radius of less than 25 feet.

2. For projects proposing more than one driveway on a county road, the applicant must provide a copy of the driveway/access management application and approval permit or letter from the county. For projects proposing one or more driveways on a FDOT road, the applicant must provide a copy of the driveway/access management application and approval permit or letter from FDOT.

CHAPTER 800 – USE-SPECIFIC STANDARDS

SECTION 801 – Intent and purpose

The following uses have requirements beyond the typical zoning regulations and may require additional review and/or standards because of their unique operational characteristics, potential impacts on surrounding properties or infrastructure needs.

SECTION 802 – Accessory uses, buildings/structures and permitted encroachments

A. Accessory uses and accessory buildings or structures are customarily subordinate or incidental to the principal use pursuant to Section 603. Such accessory structures may include swimming pools (enclosed or not enclosed), docks, detached garage, storage sheds (up to 200 square feet in size), open patios, decks, freestanding canopies/gazebos and fences or reclaimed water or stormwater ponds with or without floating solar facilities. When accessory and principal uses are under a continuous (solid) roof, or within five feet of each other at the closest point, the entire structure shall meet setbacks required for the principal structure or use. Specific requirements pertaining to the determination of what is incidental and subordinate for certain types of accessory uses shall be determined by the Town Commission or its designee.

B. Accessory structures may be located on a property provided the following requirements are met, except as regulated herein in this section and Chapter 600, Zoning Districts and Standards:

1. There shall be a permitted principal use on the property, unless otherwise exempted by this section and Chapter 600, Zoning Districts and Standards.

2. Accessory structures shall not be located in a required buffer or in the required front yard setback.

3. Accessory structures, except fences, walls and docks, may be located in the side or rear yard setback area provided the accessory structure is not more than ten feet in height and located with a minimum five-foot rear and/or side yard setback. Any accessory structure more than ten feet in height shall only be located in the rear yard and must meet the zoning district rear and side yard setback and height requirements.

4. All accessory structures shall be included in the calculation of floor area ratio (FAR) and impervious surface ratio (ISR), except for floating solar facilities components located within the area of a stormwater or reclaimed water pond.

5. The number of accessory structures on a property shall be limited to two structures, excluding fences, walls, pools and reclaimed water or stormwater ponds with or without floating solar facilities and any associated solar facilities; and except for accessory structures located in the POL district.

6. Accessory structures, including fences, walls and docks/boathouses, within the permanently open lands (POL) zoning district shall be designed and located to minimize their obstruction or degradation of lake front view corridors.

C. Certain building encroachments may be permitted into front and rear required setbacks. These include the following:

1. Roof overhangs, bay windows, porches, decks, and exterior stairs may encroach into the required front or rear yard set back by three feet.

D. *Fences or walls*.

1. Fences or walls may be constructed in the front yard or along the front yard property boundary provided the fence is constructed parallel with the front of the principal structure and does not exceed four feet in height. Fences or walls may be located in the side or rear yard and constructed along the side yard or rear yard property boundary and shall be limited to six feet in height.

2. All fencing or walls shall be of uniform building materials and color.

3. All fencing or walls shall be constructed of commonly used materials such as chain link, wrought-iron, aluminum, wood, plastic (PVC) or masonry. Masonry block walls, except brick, shall have a finished appearance such as a stucco finish on the exterior. Wood fences shall have the finished side facing the street and abutting properties. Fences constructed of scrap metal or other offensive materials are prohibited.

E. *Docks and related structures*.

1. No dock or related structures (herein to be included in the term dock) shall be constructed without approval of a dock application-general site plan by the Town

Commission or its designee, and any other permit approvals required by other agencies with jurisdiction over Lake Jovita.

2. Any dock constructed prior to the adoption of this Land Development Code shall only rebuild in compliance with this section and Chapter 600, Zoning Districts and Standards. Further any existing docks shall not expand in size, height, length or add any roofed structures, unless approved by the Town Commission in accordance with the requirements regarding nonconformities in Chapter 1000, Protection of Private Property Rights.

3. All applications for review of a proposed dock shall be in compliance with the submittal requirements set forth in Subsection 404.2 for a general site plan and the following additional requirements:

    a. A survey of the property including the topographic vertical contour showing the mean high-water mark.

    b. A scaled (not greater than one-inch equals 50 feet) dimensioned site plan and elevation drawing showing dock square footage and height of the dock and any related structures, dock setbacks from adjacent properties, lake shoreline and location of the mean high-water mark. In addition, the drawing shall show any other accessory structures within the permanently open land (POL) zoned portion of the property, including their location, size, height and dimensions.

    c. Copies of any required approvals or exemptions from other governmental and non-governmental regulatory agencies.

4. All docks shall meet the following requirements:

    a. Only one dock shall be permitted for each Pasco County Property Appraiser folio/parcel number existing as of July 1, 2018, and consisting of a total of 30 parcels as depicted on the "Lake Jovita Bathymetric Contours" map dated July 1, 2018, maintained in the Town's records.

    b. The following requirements relative to lake frontage and dock length, area and height shall be based on the established Southwest Florida Water Management District (SWFWMD) High Minimum Lake Level (HML) mark for Lake Jovita, which is defined as the 127-foot contour line above the National Geodetic Vertical Datum (NGVD).

        i. All docks shall be set back a minimum of 15 feet from the property line. All roofed areas must be set back a minimum of 25 feet from the property line.

ii. The total dock area whether permanent or floating or any combination thereof shall not exceed 850 square feet in surface area, including roofed structure and boat slip area, as measured from the HML. Any portion of the dock/walkway area landward of the HML shall not be included in the total dock area calculation.

iii. The dock deck, except for floating docks, shall be a minimum of six inches or 0.5 feet above the HML, but not to exceed two feet above HML.

iv. The height of any roofed structure shall not exceed 15 feet above the dock deck to the roof peak.

v. Based on the gentle slope of bathymetric contours in the north and southeast sections of Lake Jovita, the following 12 parcels as identified by Pasco County Property Appraiser parcel numbers in effect on August 1, 2018, shall be limited to a permanent or floating dock or any combination thereof extending a maximum of 100 feet into the lake as measured from the HML: 01-25-20-0000-00300-0010, -00300-0011, -00400-0000, -00400-0030, -00400-0032, -00700-0000, -00900-0000, -00600-0000, -00200-0000, -03000-0010, 03000-0000, and -00100-0010. No other permanent or floating dock or any combination thereof, shall extend more than 50 feet into the lake as measured from the HML.

vi. Based on their location adjacent to the canal extending north from Lake Jovita, the following four parcels identified by the Pasco County Property Appraiser parcel numbers in effect as of July 1, 2018, shall be limited to a permanent or floating dock or any combination thereof extending a maximum of 25 percent of the width of the canal as measured from the HML: 01-25-20-0000-00400-0020, -00500-0000, -00400-0050, -00400-0010. The total dock area whether permanent or floating or any combination thereof shall not exceed two square feet for every foot of the subject frontage along the canal. Total dock area includes roofed structure and boat slip area as measured from the HML. A minimum five foot setback shall be provided from all property lines and a minimum 25-foot setback shall be provided from an existing dock structure on adjacent properties. All other provisions of this section not modified by this paragraph shall apply.

vii. Based on their location at the mouth of the canal and Lake Jovita, the following two parcels identified by the Pasco County Property Appraiser parcel numbers in effect as of July 1, 2018, require special

regulations to ensure docks located on these properties which may extend up to 100 feet into Lake Jovita from the HML, do not limit navigation to and from the canal: 01-25-20-0000-00900-0000 and 01-25-20-0000-00600-0000. Any permanent or floating dock or any combination thereof located on these lots shall be located along the southern property line of parcel 01-25-20-0000-00900-0000 and the eastern property line of parcel 01-25-20-0000-00600-0000. The minimum setback from any property line shall be 15 feet for docks with or without roofed structures. The minimum setback from an existing dock structure(s) on an adjacent property shall be 25 feet to preserve the navigability of the canal channel. The required 15-foot minimum setback may be reduced to 5 feet along the southern property line of parcel 01-25-20-0000-00900-0000 and the eastern property line of parcel 01-25-20-0000-00600-0000 with the written consent of the adjoining property owner(s) as provided to and acknowledged by the Town Commission through the dock approval process. Any dock on these parcels constructed prior to the adoption of this section shall only rebuild in compliance with this section. Any existing docks shall not expand in size, height, length or add any roofed structures, unless approved by the Town Commission in accordance with the requirements regarding nonconformities in Chapter 1000, Protection of Private Property Rights. All other provisions of this section not modified by this paragraph shall apply.

c. Any roofed structure on a dock shall be open on all sides, shall be a pitched roof and shall not exceed 500 square feet in size. The roofed structure shall not extend more the two feet beyond the perimeter of the dock, including the slip area.

d. All docks shall provide sufficient reflective materials or devices visible at night on all sides of the dock to provide for nighttime boating safety.

e. No bathroom, cooking or flammable fueling facilities shall be permitted on any dock.

f. A dock shall be limited to one boat slip and not more than a total of three motorized watercraft berthed/moored at the dock.

g. No dock shall obstruct or restrict water access to or on the lake or obstruct any canals.

h. Any flotation material used in floating docks shall be fully encapsulated; suitable for marine use; resistant to puncture, fire, cracking, peeling, or loss of pellets; and generally impervious to water or fuel damage.

SECTION 803 – Floating solar facilities

The Town supports the use of floating solar facilities as accessory uses on constructed water storage reservoirs including, but not limited to, wastewater treatment ponds, abandoned limerock mine areas, stormwater treatment ponds and reclaimed water ponds. For the purposes of floating solar facilities siting, neither Lake Jovita nor jurisdictional wetlands shall be considered water storage reservoirs. Floating solar facilities shall comply with the requirements for accessory uses as specified by Section 802.

SECTION 804 – Outdoor display and storage

Outdoor storage of vehicles and/or products is prohibited except for approved vehicle sales/display or storage related to an approved mini-warehouse use and temporary storage of materials related to new construction.

SECTION 805 – Single family dwelling units minimum floor area requirement

All single-family dwelling units shall contain a minimum of 1,300 square feet of living area exclusive of open porches, open breezeways, carports, garages, or screened areas.

SECTION 806 – Affordable/workforce housing bonus

A. *Purpose and intent*. To provide a density bonus of up to one dwelling unit/acre for development within any residential or business land use category to encourage construction of affordable/workforce housing and establish criteria and development standards for achieving the bonus.

B. Affordability is defined as gross family income that is below 80 percent of the median income adjusted for family size or as may be established by federal, State of Florida or Pasco County.

C. *Criteria*.

1. Development must include a minimum of 20 percent of the total number of dwelling units as affordable.

2. Provide assurances that the housing will remain affordable for a minimum of 15 years from receipt of a certificate of occupancy for the unit via deed restrictions, covenants or other acceptable guarantee.

SECTION 807 – Electric and natural gas transmission corridor lines

In addition to the requirements of a Site Development Application, electric and natural transmission corridor lines shall also be subject to the following:

A. The Town shall discourage the location of electric (69 kV or larger) and natural gas transmission line corridors subject to F.S. ch. 403, Part II—Electrical Power Plant and Transmission Line Siting and Part VIII—Natural Gas Transmission Pipeline Siting that negatively impact historic resources, and visual corridor, hillside and forested areas.

B. Siting electric (230 kV or less) and natural gas transmission lines not subject to Florida Statutes will be encouraged to locate within existing utility easements and all electric and natural gas lines shall be subject to site plan reviews pursuant to Subsection 404.2 and other requirements of this Code.

SECTION 808 – Individual mobile homes or factory built dwelling units.

Individual mobile homes or factory-built dwelling units containing a minimum of 1,300 square feet of floor area exclusive of open porches, open breezeways, carports, garages, or screened areas may be located in agricultural (A) or medium density residential (MDR) zoning districts, provided they meet requirements of F.S. ch. 513; Chapter 64E-15, F.A.C.; the Town of St. Leo Code of Ordinances and Land Development Code; and the Florida building code.

A. All mobile homes shall be skirted on all sides with a solid material (such as wood or metal) sufficient to prevent animals going under them. Such skirting shall be painted to match the color of the mobile home.

B. An old mobile home may be replaced with a new mobile home at the same location as the old mobile home even if it is nonconforming to setback requirements.

SECTION 809 – Home-based businesses

Home-based businesses may be permitted in all residential districts subject to the applicable district regulations and the requirements listed below. In addition to the items required generally, a home-based business shall also be subject to the following requirements:

A. Home-based businesses shall conform with this code and F.S. § 559.955, as may be amended from time to time, and shall be located within the residential dwelling unit.

B. Home-based businesses located other than within the residential dwelling unit (e.g. within an accessory structure or garage) may be permitted by approval of the Town Commission or its designee.

C. The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to two employees who do not reside at the residential dwelling may work at the business. The business may have additional remote employees who do not work at the residential dwelling.

D. The home occupation shall be clearly incidental and secondary to the property's use for residential purposes.

E. Traffic and parking generated by the business activities must comply with zoning requirements. The need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted.

F. No retail transactions shall be conducted at a structure other than the residential dwelling; however, incidental businesses uses and activities may be conducted at the residential property. Storage of heavy equipment shall not be visible from the street.

G. No business identification sign shall be permitted.

H. No use, storage or disposal of corrosive, combustible or other hazardous or flammable materials or liquids, other than substances of a type and quantity customarily associated with a home or hobby, shall be permitted.

I. All home-based businesses shall obtain an occupational license.

SECTION 810 – Rear dwelling units

No building in the rear of a principal building or use on the same lot may be used as a dwelling unit or for residential purposes unless the building has a minimum of 1,300 square feet of floor area exclusive of open porches, open breezeways, carports, garages, or screened areas and the lot area has sufficient acreage to meet the density requirements of the zoning district and the future land use category of the Comprehensive Plan. No such rear yard dwelling unit and lot may be sold or changed in title unless separate driveway access to a public street as approved by the Town Commission is made available. No mobile home or travel trailer parked on any property may be connected to any public or semi-public utility or be used for residential purposes, as a dwelling unit, or for other purpose.

SECTION 811 – Temporary Uses

A. The operator shall provide designated, safe and adequate on-site and off-site parking; no parking shall be allowed within a public right-of-way in order to maintain the safe and orderly flow of traffic.

B. The operator shall provide safe and adequate ingress and egress to the property including safe clear sight distance for vehicles entering or leaving the property. Barriers (such as railroad ties, fencing or other acceptable barrier as approved by the Town Administrator or designee) shall be provided to direct vehicle ingress/egress to an existing driveway(s). Where a delineated driveway does not exist on the property, a driveway location shall be delineated, as approved by the Town Administrator or designee, for the purpose of ingress/egress during the duration of the temporary use.

C. The operator shall ensure that all temporary use areas such as trailers, outdoor storage areas, stages, tents, retail sales and food vending areas, other than parking, are located at least 25 feet from a public right-of-way and any neighboring residential areas.

D. The operator shall obtain appropriate permits and fire inspections for any structures to be located on the property; or if such use requires electricity or plumbing permits, the applicant shall obtain such permits and inspections prior to operation of the temporary use.

E. A business license tax fee must be obtained from the Town Clerk and shall be available on-site during the operation of the Temporary Use.

F. Signage is permitted on the temporary use structure, vehicle, mobile trailer or cart. No signage shall be located on the roof of any structure, vehicle or mobile trailer. In lieu of signage on the structure, vehicle, mobile trailer or cart, appropriate free-standing signage shall be permitted during the duration of the Temporary Use permit and shall be subject to the sign area, setback and height requirements as set forth in Subsection 702.9.4, Religious Institutions. Directional signage is permitted pursuant to Subsection 702.4, Exempt Signs.

SECTION 812 – Special Exception Uses

Subsection 812.1 – Wireless communication facilities

A. *Purpose and intent*. The purpose and intent of these regulations is to regulate the establishment of wireless communication facilities in recognition of the public need and demand for advanced telecommunication and information technologies and services balanced against the impacts such facilities may have on properties within the Town. This balance shall be established by:

1. Providing for the appropriate location and development criteria for wireless communication towers and wireless communication antennae within the Town;

2. Providing for the protection of the archeological, architectural, rural hillside topography and natural forested landscape, and historical character of the Town and its neighborhoods from incompatible and obtrusive visual impacts; and protecting designated historic districts and landmarks, and important adopted visual corridors/view sheds such as County Road 52 and Lake Jovita as identified in the Visual Corridor Study prepared by Engelhardt, Hammer and Associates, Inc. and adopted by the Town Commission by Resolution No. 01-03, from incompatible and obtrusive visual impacts;

3. Stating that it is of the highest priority of the Town Commission that wireless communication support facilities be encouraged to be located on existing towers or in agricultural or institutional areas that are adjacent to commercial uses or in areas where vertical intrusions already exist, especially relative to important established visual corridors;

4. Minimizing the number of towers and adverse effects of such facilities through careful design, siting and screening criteria; and

5. Maximizing the use of existing and future wireless communication support facilities and encouraging multiple users on such facilities.

B. *Definitions*.

1. Camouflaged means a tower or structure and/or wireless communication antenna (WCA) designed and constructed so as to blend with the natural or built environment. Camouflaged towers can resemble a natural or manmade structure through the use of less obtrusive antenna arrays, shape, color and texture to cause an object to appear to become a part of something else in order to be compatible with the surrounding properties. Camouflaging may include blending into the visual environment by creating a likeness of a church steeple, flagpole or tree or blending with the sky.

2. Fall radius means the distance in which a wireless communication tower (WCT) is designed/engineered to fall as measured from its base.

3. View shed means the field of view from one geographic point or area to another, particularly any view of unique natural and/or manmade features. The view shed includes the natural and/or manmade features that are the focal point of the view and other objects that are visible within the view shed that are located in the foreground, middleground and background of the subject of the view and seen simultaneously as one landscape.

4. Search ring means a geographic area in which the antenna is intended to be located to provide the carrier's designed service.

5. Wireless communication antenna (WCA) means an antenna at a fixed location used for the transmission or reception of wireless communication signals, excluding those antennas used exclusively for dispatch communications by public emergency agencies, ham radio antennas, satellite antennas, those antennas which receive video programming services via multipoint distribution services which are one meter or less in diameter, and those antennas which receive television broadcast signals. The WCA shall include any accessory equipment and equipment shelters to support the facility.

6. Wireless communication tower (WCT) means a monopole, guyed or a lattice type tower greater than the applicable zoning district's maximum height limitation or as limited by this section, designed for the attachment of or as support for wireless communication antennas or other antennas.

C. *Wireless communication antenna (WCA) general siting criteria*. In addition to the standards of review for Special Exception uses, Wireless Communication Facilities are also subject to the following:

1. WCA may be approved as a permitted use in any zoning district provided the WCA is located on an existing utility pole or tower or other tall vertical structure, and the height of the WCA does not exceed 20 feet above the existing height of the structure. Such approval shall be based on meeting all the criteria in this subsection. Such review by the Town Commission or its designee shall be without public notice.

2. All WCAs shall be designed to blend into and be compatible with the aesthetic character of the principal structure where reasonably practical taking into consideration the location of the WCA, and its impact on adopted view sheds and neighboring uses.

3. A WCA proposed to be located on a historic landmark or in a designated historic district may be denied if the WCA creates a detrimental impact on the historic character of the historic landmark or district utilizing the United States Secretary of Interior Standards for Rehabilitation of historic structures as well as other standards that may be adopted by the Town Commission.

4. If a WCA requires an accessory equipment storage area, it shall be no greater than 15 feet in height and shall meet all zoning and buffering requirements in this Land Development Code.

D. *Wireless communication tower (WCT) general siting criteria*. In addition to criteria for reviewing Special Exceptions, the following requirements shall also apply to all new WCT's:

1. Any WCT may only be considered for location within the agricultural or institutional zoning districts as a special exception use and shall meet all requirements of the zoning district in which it is located and the requirements of this section. Special exception use provisions, review criteria and procedures shall be followed in addition to those specified in this section.

2. In order to protect important established visual corridors, WCTs shall be prohibited within the visual corridors adopted by the Town Commission, unless the applicant can demonstrate to the satisfaction of the Town Commission that:

    a. The WCT will be sufficiently screened by the existing vegetation, buildings or topography.

    b. The WCT is camouflaged, so it is not visually obtrusive.

    c. That the tower will blend with existing vertical intrusions within the view shed of the adopted visual corridors.

3. Minimum lot area, setbacks, height and buffering:

    a. The minimum lot size for a WCT site shall be one acre.

b. The WCT shall be setback on all property boundaries the fall radius distance of the WCT.

c. No WCT shall exceed a height of 150 feet as measured from the existing grade at base of the WCT.

d. The accessory equipment and storage area for the WCT shall be screened from any right-of-way and abutting property by a landscape buffer. The landscape buffer shall consist of shrubs planted leaf to leaf which shall be a minimum of three feet in height at the time of planting and shall reach a height of not less than six feet at maturity and shade trees of at least three inches in diameter at breast height (dbh) planted every 30 feet along the buffer. The Town Commission or their designee shall approve the species of shade tree. The requirement for shade trees may be waived in consideration of safety requirements relative to the accessory equipment required for the WCT and WCA.

4. All WCTs shall be designed for co-location of multiple WCAs based on the following criteria:

   a. WCT facility of more than 50 feet in height and less than 100 feet in height shall provide for at least two WCA users.

   b. WCT facility more than 100 feet in height and less than 150 feet shall provide for at least three WCA users.

   c. WCT facility more than 150 feet in height shall provide for at least four WCA users.

5. All WCTs shall be constructed in compliance with all applicable construction codes, which shall include EIA/TIA standards.

6. The WCT shall comply with all applicable Federal Aviation Administration and Federal Communication Commission requirements.

7. The WCT shall not be used for advertising purposes and shall not contain any signage thereon.

8. The construction of the WCT shall be of monopole design or a design that integrates the tower as part of a building design.

9. WCTs shall not have a shiny or reflective finish and shall not be illuminated unless required by the Federal Aviation Administration or the Federal Communication Commission.

10. WCTs proposed to be located within 1,000 feet of a designated historic landmark or historic district may be denied if the WCT causes a detrimental impact on the

historic character of the historic landmark or district. Evaluation of impacts shall utilize the United States Secretary of Interior Standards for Rehabilitation as well as other standards that may be adopted by the Town Commission.

11. This section shall not exempt the applicant from other governmental review and permitting procedures.

12. The Town Commission may waive or modify any of the requirements of this section, if such waiver, variance or modification would better implement the purpose and intent of this section.

13. A WCT shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCT that cannot be met by placing a WCA on an existing WCT or on other structures or by replacement of an existing WCT.

E. *Application submittal requirements for WCTs*. In addition to the submittal requirements for a Special Exception Use application, WCT applications also include:

1. Information concerning, but not limited to the following factors or other information requested by the Town Commission, shall be provided by the applicant to demonstrate that there is a need for a new WCT:

    a. A map showing the search ring for the proposed WCT, location of the closest existing WCTs and/or WCAs owned the applicant, and the location of other WCTs and structures of similar height within a one mile radius of the proposed WCT and search ring.

    b. Evidence that the following conditions exist:

        i. There is insufficient structural capacity of existing WCTs or other suitable structures or the infeasibility of reinforcing or replacing an existing WCT.

        ii. There is an unavailability of suitable structures or existing WCTs, located within or outside the Town of St. Leo to accommodate the applicant's system design or engineering.

        iii. There is radio frequency interference or other signal interference problems at existing WCT or other structures.

    c. A comparative evaluation (which may include cost studies) for the placement of a new WCT versus the utilization of existing WCTs, other structures (such as buildings or power transmission poles), other suitable structures within or outside the Town of St. Leo or the placement of multiple smaller height WCTs as alternatives to provide the same level of service. However, the fact that the use of an existing WCT or other structure would cost more than the cost of constructing a new WCT will not, absent other

factors which include that the additional cost not be unreasonable, justify approval.

2. Submittal of a copy of the FCC application and, if available, the FCC approval.

3. The applicant shall provide a letter of commitment by at least one WCA user to locate on the proposed WCT. The applicant must include a statement in the application of its good faith intent to allow for the co-location of WCAs of other entities, at market terms, provided that the cost of modifying the WCT to accommodate the co-locating WCA is borne by the co-locating entity.

4. The applicant shall send a written notice to all potential users of the proposed WCT offering an opportunity for co-location. The list of potential users shall be provided along with a copy of the notice letter at the time the application is filed. If, during a period of 30 days after the notice letters are sent to potential users, a user or users request, in writing, to co-locate on the WCT, the applicant shall accommodate the request(s), unless evidence is provided that co-location is not reasonably possible based on the criteria contained in Subsection 812.1(D)(4).

5. The Town Commission may require, at the expense of the applicant, a view shed analysis to enable the Town Commission to assess visual impacts of the proposed WCT on the Town of St. Leo's unique topography and natural forested landscape, and important established visual corridors. Such analysis may require the applicant to provide on-site visualization of the proposed WCT, which may include balloons, crane or other acceptable methods approved by the Town Commission.

6. The Town Commission may require the applicant to submit, in addition to the application fee, an additional fee to fund the hiring of an RF engineer by the Town Commission to review the need for a new WCT.

7. At the time of approval of the WCT, the owner of the WCT shall provide such financial assurances to the Town Commission as may reasonably be required, which shall ensure the payment of the cost of removal of the WCT when abandoned if there is a reasonable likelihood that the real property and WCT do not provide substantial security for the lien by the Town Commission to recover any costs incurred by the Town in the removal of abandoned WCTs. Such financial assurance may be in the form of a letter of credit, bond, insurance policy in the Town's name, and/or cash held by the Town.

F. *Replacement of existing WCT*.

1. An existing WCT, which was lawful at the time of its construction may be replaced or modified as a permitted use for purposes of accommodating co-location of additional WCAs or otherwise provided that:

a. The replacement or modified WCT shall not exceed a total height of 150 feet or, if the existing WCT has an approved height variance greater than 150 feet, the replacement WCT shall not exceed the approved height.

b. The replacement or modified WCT shall be located within the same zoning lot as the existing WCT and shall be located so as to maximize compliance with existing minimum yard requirements.

c. For the replacement of a WCT, the applicant shall cause the existing WCT to be removed within 90 days of completion of the replacement WCT and the relocation or installation of the WCA. In any event, the existing WCT shall be removed within 180 days of the Town's final construction inspection of the replacement WCT.

d. For a modification to an existing WCT or if the location of the replacement WCT is such that the existing WCA must be moved before the replacement/modified WCT is constructed, temporary portable antennae support facilities may be used, but must be removed within 30 days of the completion of the replacement WCT and the relocation or installation of the WCA. In any event, the temporary portable antennae facilities must be removed within 60 days of the Town's final construction inspection of the replacement/modified WCT.

G. *Abandoned WCTs*.

1. Any WCT that is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no WCA or other commercial antenna has been operational and located on the WCT for two or more years and operational shall mean operated commercially for at least 60 consecutive days.

2. Where a WCT is abandoned but not removed or demolished as required hereby, the Town Commission may remove or demolish the WCT, dispose of the WCT, and place a lien on the property and WCT for the costs thereof by following the procedures for demolition of nuisance or unsafe structures, such lien on the property and WCT shall be superior to all other liens except taxes. Entities, which own a WCA or other commercial antenna on a WCT, shall provide written notice to the Town when such WCAs or commercial antennae are no longer on the WCT.

Subsection 812.2 – Mobile home parks

A. The gross land area of a mobile home park shall be not less than eight contiguous gross acres. The site shall be immediately adjacent to a major or secondary arterial street, as shown upon the major thoroughfare plan of the Town or shall be otherwise located with respect thereto so as not to cause excessive vehicular traffic to pass through adjacent residential areas. Each mobile

home park shall have a direct access frontage of not less than 200 feet on an improved public street.

B. Mobile home parks shall provide non-public internal access drives paved to a width of at least 20 feet. All streets in a mobile home park shall be private and shall comply with an adequately engineered drainage plan including the use of gutters, but in no event shall open ditches or swale-type gutters be permitted. Streets shall have concrete gutters and shall be constructed with a minimum of four inches of lime rock base, or equivalent, and one inch of asphalt topping. Inverted crown streets shall not be permitted. Parking shall not be permitted on any internal streets. Every access drive shall be lighted to an intensity equal to or exceeding one 75-watt light bulb every 100 feet horizontally and within 12 feet vertically of the finished grade.

C. No mobile home park shall have less than four acres of unpaved, natural area, and shall abut a public street for at least 200 feet. Units in a mobile home park shall provide not less than 5,000 square feet of land area for each mobile home space. Each mobile home shall have a minimum of 1,300 square feet of living area exclusive of open porches, open breezeways, carports, garages, or screened areas. The total unit density shall not exceed four units per acre. Each mobile home park shall be required to have a minimum of 16 mobile home lots fully developed in accordance with this Land Development Code prior to any occupancy being permitted.

D. For any unit there shall be at least a ten-foot side or rear yard and a 20-foot front yard between the space's lot line and any part of any structure.

E. Every mobile home unit shall be provided with a potable water supply, sanitary sewer collection system and with all plumbing (including bath and toilet facilities) installed in accordance with the requirements of F.S. ch. 513; Chapter 64E-15, F.A.C.; the Town of St. Leo Code of Ordinances and Land Development Code; and the Florida Building Code.

F. Each mobile home park shall be equipped with a laundry building and equipment adequate to meet the needs of all units; or a drying yard screened from view beyond the property line.

G. Garbage collection containers, not larger than 95 gallons capacity with covers, shall be provided for each mobile home; or the park management shall provide mechanical waste collection systems that meet the requirements of the Town refuse collection system.

H. For a mobile home park, there shall be a 50-foot setback maintained adjacent to all public streets and a 25-foot setback maintained adjacent to all other property lines. All setback areas shall be open and unoccupied and shall not be utilized for mobile home lots or recreation space. All required 25-foot setback areas shall be provided with a landscaped buffer area of not less than ten feet width measured at right angles to the property lines and designed and planted so as to be 80-percent opaque or more when viewed horizontally between two feet and six feet above average ground level. A six-foot-high wall or fence set in a ten-foot-wide landscaped buffer area may be substituted for the required six-foot-high planted buffer.

I. No park entrance or exit shall be located nearer than 150 feet to the centerline of any street intersection on the same side of a public street.

J. All wired services shall be installed underground and no overhead wires shall be permitted in any mobile home park.

K. Additions to or building of covered patios, arbors, rooms, carports or other weather protection not longer than the mobile home and shall not cover more than 40 percent of the unit lot land area. Additions shall conform to all applicable building, electrical, plumbing and use codes and shall not contain kitchen facilities.

L. Every mobile home park shall be equipped at all times with fire extinguishers in good working order of such type, size and number, and location as required by the Florida Fire Prevention Code.

M. Each mobile home in St. Leo shall be firmly anchored to the ground pursuant to building codes.

N. For a mobile home park, a storage area may be provided within park boundaries for the purpose of storing travel trailers, campers, and boats owned by park residents. Such storage areas shall not be visible from streets or front yards and shall be buffered with a six-foot-high, ten-foot-wide planted area or a six-foot-high structure in a five-foot-wide planted area. Travel trailers, campers and boats shall be permitted only in such storage areas.

SECTION 813 CONDITIONAL USES

Subsection 813.1 – *Reserved*

[Reserved]

CHAPTER 900 – SITE-SPECIFIC STANDARDS

SECTION 901 – Intent and purpose

The Town shall maintain additional review procedures and/or requirements for development on property with certain site-specific conditions that require special considerations.

SECTION 902 – Environmentally sensitive areas and adjacent historic resources

This section addresses historic resources and environmentally sensitive areas that include jurisdictional wetlands, wellheads and wildlife habitats. Other environmentally sensitive areas such as hillsides, floodplains and lakes are addressed by other chapters in this Land Development Code. The purpose and intent of this section is to direct incompatible land uses and development away from environmentally sensitive areas and establish setback and other development standards to minimize impacts.

A. *Wetlands*.

1. Potential wetlands as identified by Pasco County have been delineated on the Comprehensive Plan Map Series, "Environmentally Sensitive Land Features". New proposed development containing wetlands (as approved and delineated by SWFWMD) shall preserve the wetland area or mitigate wetland as permitted by SWFMWD.

2. A minimum development setback buffer area of 25 feet shall be established around the preserved final delineated jurisdictional wetland.

3. All preserved final delineated jurisdictional wetlands shall be dedicated as a permanent open space or conservation easement pursuant to F.S. § 704.06, and be shown as preserve areas on site plans and/or plats as applicable. The Town shall encourage applicants to designate these areas with a Conservation (CON) district overlay and on the Comprehensive Plan Future Land Use Map (FLUM) as Conservation. Said land use designation shall occur as part of future evaluation and appraisal report based amendments.

B. *Wildlife habitat*.

1. Potential critical wildlife habitat areas have been delineated on the Comprehensive Plan Map Series, "Environmentally Sensitive Land Features". New development containing a potential listed species wildlife habitat shall provide a habitat survey by qualified professionals delineating the habitat types for State and federal listed species and applicable areas.

2. The minimum area to be preserved shall be determined by the Town Commission based on the survey and proposed development. However, no more than 50 percent of the total listed species habitat area can be encroached with development. Any encroachment shall require mitigation of impacts as permitted by FWC.

3. A minimum development setback buffer area of 25 feet shall be established around the preserved habitat area.

4. All preserved final delineated habitat area shall be dedicated as a permanent open space or conservation easement pursuant to F.S. § 704.06, and be shown as preserve areas on site plans and/or plats as applicable. The Town shall encourage applicants to designate these areas with a Conservation (CON) district overlay and on the FLUM as lots. Said land use designation shall occur as part of future evaluation and appraisal report based amendments.

C. *Wellhead protection areas*. Wellhead protection areas have been delineated on the Comprehensive Plan Map Series, "Environmentally Sensitive Land Features". New development within a wellhead protection area may have use limitations. Review of activities and uses within

wellhead protection areas will be pursuant to the Pasco County Land Development Code Section 808, Groundwater Protection and all subsequent amendments.

D. *Historic resources*. Historic resources are delineated on the Comprehensive Plan Map Series, "2045 Future Land Use Map". Development adjacent to these resources will be reviewed for design compatibility based on United States Secretary of the Interior standards.

SECTION 903 – Lake Jovita frontage

A. New lots created with frontage on Lake Jovita shall have a minimum of 200 feet of lake frontage as measured at the established Southwest Florida Water Management District (SWFWMD) High Minimum Lake Level (HML) mark of Lake Jovita.

B. All building and septic system setbacks from Lake Jovita shall be measured 100 feet landward from the Southwest Florida Water Management District (SWFWMD) High Minimum Lake Level (HML) mark for Lake Jovita, which is defined as the 127-foot contour line above the National Geodetic Vertical Datum (NGVD). This is the area defined as the permanently open land (POL) zoning district. This area is intended to be retained in a natural vegetative state. The setback area shall not be used for residential structures. Permitted structures in the setback area may include accessory structures such as docks, decks, swimming pool, arbors, gazebos or similar structures provided such structures are open on all sides. Only one accessory structure, excluding fences, walls, pools and docks is permitted, and shall not be more than 400 square feet in size and ten feet in height. The setback area may be used for an approved SWFWMD stormwater facility provided such facility meets landscape buffer requirements.

SECTION 904 – County Road 52 frontage

For properties with frontage on County Road 52, all building setbacks shall be 50 feet from the right-of-way line. The setback area shall not be used for accessory structures, but may be used for unfenced stormwater facilities and/or parking.

SECTION 905 – Flood hazard areas

Development that is wholly within or partially within any flood hazard area shall conform with the provisions, procedures and requirements of Chapter 1300, Floodplain Management.

CHAPTER 1000 – PROTECTION OF PRIVATE PROPERTY RIGHTS

SECTION 1001 – Intent and Purpose

The intent and purpose of this chapter is to protect the property rights of owners or operators of nonconforming uses, structures, or lots as provided in the Town of St. Leo Comprehensive Plan Policy PRE 1.1.2 while encouraging the reduction of nonconforming uses within the Town as provided in the Town of St. Leo Comprehensive Plan FLU Policy 2.4.11.

SECTION 1002 – Continuance of nonconforming uses

Any established use of land or structure legally existing at the time of enactment of this Land Development Code (as of December 12, 2005), or subsequent amendment of this ordinance, not in conformity with its permitted use provisions, may be continued with the following limitations.

A. No structure devoted to a nonconforming use shall hereafter be expanded.

B. Any structure devoted to a nonconforming use which has been damaged to the extent of 50 percent or more of the cost of its replacement value exclusive of foundations, immediately prior to damage, shall not be repaired or reconstructed except in conformity with the provisions of this ordinance.

C. No nonconforming use may be re-established after it has been discontinued for six (6) months. Vacating of a premises or building, discontinuance of utility service, or non-operative status, shall be evidence of a discontinued use.

D. No nonconforming use may be changed to any other use except one, which is a permitted use in the district in which it is located.

E. All nonconforming signs, billboards, junk yards, lumber yards and similar uses of open land not involving a substantial investment in permanent buildings shall be torn down, altered or otherwise made to conform to the provisions of this ordinance within two years from and after the adoption of this Land Development Code.

F. Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building inspector of the Town of St. Leo or from complying with the lawful requirements of this ordinance or any other ordinance adopted by the town.

G. The provisions of paragraph B and C shall not apply to prevent the rebuilding of structures or resale of land which is not in compliance with the 100-foot lake shoreline setback requirements of the permanently open land zoning district.

SECTION 1003 – Nonconformities to structure/site characteristics

A. Nonconforming building/structure(s), including accessory structures, and/or site characteristics may include by way of illustration but not limitation, inadequate building setbacks and height, floor area ratio, impervious surface area, parking and loading facilities, inappropriate landscaping, lighting, emissions, etc. Such site structure including accessory structures, and/or site characteristic nonconformities may continue provided the use is permitted in the district in which it is located. However, such structures and/or site characteristic nonconformities shall not be expanded, altered, changed or relocated in such a manner as to increase the degree of nonconformity, except as may be permitted in the Land Development Code.

B. Any addition to a nonconforming structure shall meet zoning district setback requirements provided no other nonconformities are created or there is no increase in the degree of nonconformity.

C. A nonconforming structure or a portion thereof, if destroyed to the extent of 75 percent or more of its current assessed valuation, may only be reconstructed in accordance with the regulations of the district in which it is located.

SECTION 1004 – Review of Nonconformities

Any person may request a review of a nonconformity for the purposes of determination that the use, structure or lot is legally nonconforming, or determination of whether a nonconforming use has been abandoned pursuant to the provisions of this Code. The request shall be submitted to the Town Clerk, along with supporting documentation, such as affidavits, dated photographs, utility receipts, statements from utility companies, occupational licenses, or professional licenses showing locations, and a review fee. The Town Administrator or designee shall have 45 days from the date that the application is found to be sufficient to issue a final determination. The final determination may be appealed to the Town Commission.

SECTION 1005 – Plans filed for building permits

In any case where plans and specifications have been filed with the Town of St. Leo prior to November 10, 2025, which plans, and specifications are for a building or structure, which would conform with the zoning regulations effective at the date of such filing, but not with the regulations of this ordinance, a building permit for such building or structure shall be issued; provided, however, that such permit shall be valid only in the event that construction on such building or structure, in accord with said plans and specifications, is begun within 60 days after the date of issuance of said permit and shall be completed within six months of said date.

SECTION 1006 – Lot of record

The owner of a lot or lot of record which was zoned for single-family use as of December 12, 2005 (the original adoption of the Land Development Code) and met the zoning requirements at that time may be used as a building site for one single-family residence, provided that the yard and other requirements of the district are complied with as closely as is feasible in the opinion of the building official. Development of the lot shall meet current State, County and Town requirements for well and septic.

CHAPTER 1100 – CONCURRENCY AND IMPACT FEES

SECTION 1101 – CONCURRENCY

Subsection 1101.1 – Purpose and intent

A. It is the purpose of this section to describe the requirements and procedures for determination of consistency of proposed development projects with the Town of St. Leo Comprehensive Plan, including meeting the concurrency requirements of the plan as mandated by F.S. ch. 163, Part II.

B. Concurrency is defined as a condition where specified facilities and services have or will have the necessary capacity to meet the adopted level of service standard at the time of impact of the development project.

C. No development activity or final local development order may be approved unless it is found that the development is consistent with the Town of St. Leo Comprehensive Plan and that the provision of required public facilities will be available at the prescribed levels of service concurrent with the impact of the development on those facilities.

Subsection 1101.2 – Determining consistency with the Town of St. Leo Comprehensive Plan

If a development proposal is found to meet all the applicable requirements of this Code and the Comprehensive Plan, it shall be presumed to be consistent with the Comprehensive Plan in all respects except for compliance with the concurrency requirement. Any aggrieved or adversely affected person may appeal a consistency determination made by the Town's staff to the Town Commission within 30 days of the decision in accordance with the appeal procedures set forth in Section 308, Appeals.

Subsection 1101.3 – Exemptions to concurrency

Projects meeting certain criteria may be exempt from school concurrency as follows.

A. The following projects are permanently exempt from obtaining a certificate of capacity:

1. Any non-residential component of a project.
2. The portion of any project that has received final subdivision plat approval as a residential subdivision into one dwelling unit per lot as of November 10, 2025.
3. Any residential dwelling unit that has received a CO as of November 10, 2025.
4. Any age-restricted community intended to provide housing for persons who are 55 years of age or older that prohibits the permanent residency of individuals under the age of 22 by deed restrictions meeting the requirements of the Pasco County School Impact Fee Ordinance. Said deed restrictions are required to be executed and recorded prior to granting this exemption.

B. The following projects are permanently exempt from obtaining a certificate of capacity, but such exemption is subject to expiration:

1. The portion of residential projects not requiring a subdivision plat, or residential subdivisions into more than one dwelling unit per lot that have received a Building Permit as of the effective date of the Pasco County School Concurrency Management Ordinance; however, such exemption shall expire upon expiration of the Building Permit if the building subject to the Building Permit has not received at least one inspection as of November 10, 2025, unless such project, or portions of such project, remains exempt pursuant to another exemption provision.

2. The portion of any project that is the subject of a binding and enforceable development agreement or other agreement that specifically exempts such project from school concurrency requirements; however, such exemption shall expire upon expiration of the development agreement, or upon any material default of the school mitigation conditions of such development agreement or agreement, unless such project, or portions of such project, remains exempt pursuant to another exemption provision.

3. The Town Administrator or designee shall determine whether an exemption applies and, if an exemption is granted, refer same to the School District for review. If the School District objects to the granting of an exemption, the School District shall notify the Town in writing within 14 days of receipt of the exemption determination and include in the objection notice the reasons why the School District believes that the exemption does not apply. Should the Town Administrator or designee uphold the exemption, the School District may appeal such decision pursuant to this Code. Should the Town Administrator or designee deny the exemption, the applicant may appeal such decision pursuant to this Code. If the School District objects to an exemption determination within the 14 day objection period, the exemption determination, and any Initial or Final Certificate that is issued based on the exemption, shall not be considered final or appealable for purposes of this Code until the Town Administrator or designee issues a final determination after the School District's written objection.

Subsection 1101.4 – Relief, appeals, vested rights, and appeals of exemption denials

Relief for any provision of this section that is not based on a minimum standard of State law or the Comprehensive Plan may be requested pursuant to the requirements of this Code, Section 407, Variances. Proposed requests to school facilities concurrency requirements shall also be submitted to the School District for review and recommendation prior to being heard by the Town Commission. Disagreements between the School District and the Town regarding the granting of relief for school facilities concurrency requirements shall be subject to F.S. ch. 164 and shall be initiated by the School District within 30 days of the written decision of the Town Clerk. If the School District has timely initiated the F.S. ch. 164 process, the relief shall not be effective until the F.S. ch. 164 process is complete and any appeals exhausted.

Any determination made pursuant to this section may be appealed in accordance with this Code including, but not limited to, Certificate of Capacity determinations, and determinations related to exemptions and limited exemptions. Further, notwithstanding the foregoing, de minimis and aggregation determinations for school concurrency, and School Concurrency Determination, Preliminary Concurrency Deficiency Letters and Final Concurrency Deficiency Orders may be appealed to the School District pursuant to F.S. ch. 120. Proposed vested rights determinations and appeals of exemption denials relating to school facilities concurrency requirements shall also be submitted to the School District for review and recommendation prior to being heard by the Town Commission. Disagreements between the School District and the Town regarding the Town Commission's granting of a vested right or exemption relating to school facilities concurrency requirements shall be subject to F.S. ch. 164 and shall be initiated by the School District within 30 days of the written decision of the Town Commission. If the School District has timely initiated the F.S. ch. 164 process, the vested rights determination or exemption shall not be effective until the F.S. ch. 164 process is complete and any appeals exhausted.

Subsection 1101.5 – Concurrency management system

A. The purpose of this section is to ensure that public facilities and services needed to support development are available concurrent with the impacts of such development as required by the Comprehensive Plan. It is further recognized that the Town of St. Leo does not provide certain public services and that such services are provided by other governmental entities. Therefore, all building permit applications shall be reviewed prior to issuance in order to ensure that the adopted concurrency and advisory non-concurrency level of service standards as set forth in the Town of St. Leo Comprehensive Plan, Pasco County and any other governmental entity that provides public services to the Town of St. Leo for roads, potable water, sanitary sewer, solid waste, drainage, schools and parks and recreation will be maintained.

B. Building permits for any structure, except exempt structures, may be issued only when the structure has, either as a freestanding project or part thereof, been the subject of approval of a concurrency certificate issued by the Town of St. Leo or a letter or certificate from the governmental entity providing service to the subject site stating that the project meets concurrency level of service, unless such structure is part of an approved project which is vested under the provisions of the Town of St. Leo Comprehensive Plan. In accordance with school concurrency requirements, all parties not exempt are required to submit a school concurrency application.

C. The applicant for the building permit is responsible for securing the appropriate concurrency approvals and such approvals shall include an expiration date not to exceed three years.

D. Schools. As to school concurrency, Concurrency Determination Letters, Preliminary Concurrency Deficiency Letters, and Final Concurrency Deficiency Orders shall be issued by the School District pursuant to the School Concurrency Implementation Procedures Manual. The Town shall not issue Initial and Final Certificates of Capacity until the School District issues its Concurrency Determination Letter, unless the project is exempt from school concurrency, pursuant

to the provisions of this Code. For school facilities, the necessary facilities to serve the residential development and to maintain the adopted LOS shall be in place or under actual construction no later than three years after the issuance of a Concurrency Capacity Letter.

1. De minimis and aggregation determinations shall be made by the School District. Projects that consist of less than the number of dwelling units required to generate one student are de minimis. De minimis projects are those projects and aggregated projects, as defined in the School District's School Concurrency Implementation Procedures Manual, that do not generate one or more student(s).

2. In the event that there is not capacity available at the adopted LOS to serve projected student populations of a proposed development, the applicant may elect to negotiate with the School District on proportionate-share mitigation options. The methodology used to calculate School Concurrency Proportionate Share Mitigation shall be adopted by the School District in the School Concurrency Implementation Procedures Manual.

3. Proportionate-share mitigation options include, but are not limited to, the following:

    a. Contribution of land for an entire school site meeting the applicable School Siting Standards or adjacent to an existing school site.

    b. Provision of additional permanent student stations through the donation of permanent buildings for use as a primary or alternative public school facility, provided that such buildings meet State Requirements for Educational Facilities (SREF) standards and provided that such student stations are not relocatable or other temporary classrooms.

    c. Provision of additional permanent student stations through the renovation of existing buildings for use as public school facilities.

    d. Construction of permanent student stations or core facilities.

    e. Construction of a school in advance of the time set forth in the District Facilities Work Plan (DFWP).

    f. Creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity created.

    g. The contribution of funds or other financial or financing initiatives acceptable to the School District to ensure that the financial feasibility of the DFWP can be maintained by the implementation of the mitigation options.

    h. Construction of a charter school that (1) provides permanent student stations, (2) is constructed in accordance with SREF standards, (3) limits

admission to students residing within the County, and (4) includes provision for its continued existence.

i. The contribution of funds or other financial or financing initiatives acceptable to the School District to ensure that infrastructure improvements to support a public school facility that are the obligation of the School District will be in place when necessary.

4. The foregoing proportionate-share mitigation options shall be implemented through a proportionate-share mitigation agreement. The applicant, School District and Town Commission shall all be parties to a proportionate-share mitigation agreement. Final Certificates of Capacity shall not be issued in the interim.

5. Proportionate-share payments or in lieu of payment improvements or contributions shall be applied as a credit against impact fees in accordance with the credit provisions of this Code. The portion of any proportionate-share payment that is equivalent to the school impact fees due shall be considered a payment of school impact fees and shall be budgeted and expended in accordance with this Code. Any proportionate-share payments in excess of the school impact fees due shall be considered a concurrency proportionate-share payment and shall be budgeted and expended in accordance with the School Board's capital improvements schedule of the DFWP.

SECTION 1102 – DEVELOPMENT IMPACT FEES

Subsection 1102.1 – Intent and purpose

The Town Commission has made a finding of fact that:

1. New development in the Town of St. Leo will require modification, improvement and expansion of the road system within the Town and there is a strong nexus between the expected impact and new development.

2. New development will have only some, but modest, impact on public services (police, fire and medical emergency) and water and sewer services.

3. Planning for the necessary provision of new roads and roadway improvements created by new land development activity generating traffic is in the best interest of public health, safety and welfare.

4. It is the purpose of this section to establish a regulatory fee to assist in providing increased capacity for the streets within the Town of St. Leo to accommodate the increased demand new land development activity will have on the Town's road system.

Subsection 1102.2 – Impact fees

A. There shall be an imposed impact fee of $1,000.00 for the following development:

1. Each new single-family unit.

2. Each new unit within a multifamily development.

3. Each new mobile home unit.

4. Each new business within a commercial development.

B. There shall be an imposed impact fee of $450.00 for each unit of every student residence hall and each unit of every student dormitory.

C. The fees collected pursuant to this section shall be spent solely on transportation and road expenses as provided for herein. Such amount must be expended within a reasonable period of time after the collection of such fees, not to exceed 13 years, or be returned to the present owners of the property. However, where impact fees are defined as a revenue/funding source for a project in the Town of St. Leo Comprehensive Plan Capital Improvements Element (CIE), then such funds shall be encumbered for the length of time delineated in the CIE or whichever is the greater time period.

D. The impact fee shall be due and paid prior to the issuance of any certificate of occupancy.

Subsection 1102.3 – Use of impact fee funds.

A. The impact fees collected shall be used solely for the purpose of constructing or improving roads, streets, highways and bridges on the streets within the Town of St. Leo, and shall include, but not be limited to, the following:

1. Preparation of roadway design and construction plans.

2. Right-of-way acquisition.

3. Construction of new roadways, including pavement, medians, curbing and shoulder areas.

4. Construction for roadway widening and new turning lanes.

5. Construction of stormwater facilities associated with roadway construction.

6. Construction of new bridges.

7. Purchase and installation of traffic lighting, signage, markings and signals.

8. Relocation of utilities.

9. Construction of sidewalks and/or bicycle paths.

B. It is specifically recognized that new land development activity generating traffic within the Town of St. Leo will also have an impact on the state highway system and county roads servicing the Town of St. Leo, and it is in the best interest of the citizens of the Town of St. Leo, from time to time as decided by the town commission, to provide the Florida Department of Transportation and

Pasco County with a portion of the transportation impact fees collected from new development in the Town of St. Leo in order to mitigate the impact of such new development on the state highway system and county road system. It is not intended that the impact fee revenue generated within the Town of St. Leo, and used from time to time to supplement state and county road projects as provided for above, be utilized to replace other state or county revenue available for use in the Town of St. Leo for such purposes, but it is intended that such Town of St. Leo impact fee revenue be utilized in conjunction with all other available county, state and federal revenues in order to provide for the orderly growth of the town.

CHAPTER 1200 – STORMWATER MANAGEMENT

SECTION 1201 – Intent and Purpose

The Town Commission finds it necessary and in the public interest to protect the quality of waters receiving stormwater discharges for the health, safety and general welfare of the citizens of the Town. It is also in the interest of the citizens of the Town to ensure that stormwater run-off from development and chemicals utilized for lawn care do not degrade the water quality of Lake Jovita or environmentally sensitive lands such as wetlands.

SECTION 1202 – Findings of Fact

Although the Town of St. Leo does not operate a municipal stormwater system, the contribution of pollutants through discharges from lands with no stormwater system and storm sewer systems has a significant impact on the receiving waters in the Town. Improperly treated discharges from development, industrial and construction activities, interconnected municipal separate storm sewer systems (MS4s) and illicit discharges from spilling, dumping, or disposal of material other than stormwater to the municipal separate storm sewer system will adversely affect the quality of waters receiving such discharges. The United States Environmental Protection Agency (USEPA), pursuant to Title 40, Section 122.26 of the Code of Federal Regulations, has mandated that municipalities provide the legal authority to control discharges to the municipal separate storm sewer system under the national pollutant discharge elimination system (NPDES) permit in order to control the quality of discharges from the municipal separate storm sewer system.

SECTION 1203 – Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. Use of the word "shall" means mandatory and not merely discretionary.

Best management practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollutants from entering the lakes, municipal separate storm sewer system or discharge from the municipal

separate storm sewer system. Best management practices include, but are not limited to, treatment methods and practices to control the discharge of pollutants.

Clean Water Act (CWA). Amendments, passed in 1972 by Congress, to the Federal Water Pollution Control Act and commonly referred to as the Clean Water Act (CWA).

Code of Federal Regulations (CFR). The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

Construction activities. Includes such activities as clearing, grading, and excavation.

Development activities. Activities which are conducted on properties designated with land use in accordance with the Town Comprehensive Plan and/or Land Development Code or at facilities identified by the United States Environmental Protection Agency as requiring a national pollutant discharge elimination system stormwater permit under the definition of "storm water discharge associated with industrial activity" in Title 40, Section 122.26 of the Code of Federal Regulations, or any amendment thereof.

Discharge. Includes, but is not limited to, any release, spilling, leaking, seeping, pouring, emitting, emptying, or dumping of any substance or material.

Florida Administrative Code (FAC). An annotated official compilation of the rules and regulations of the State of Florida, published by the Florida Secretary of State.

Illicit connections. Point source discharges to the county's municipal separate storm sewer system or to waters of the United States, which are not composed entirely of stormwater and are not authorized by a national pollutant discharge elimination system permit. Failure of an industrial facility or construction site to notify the Town Commission of a connection to the Town's municipal separate storm sewer system constitutes an illicit connection.

Illicit discharge. Any discharge to a municipal separate storm sewer system or to waters of the United States that is not composed entirely of stormwater, with the exception of discharges which are exempt pursuant to Section 1207 of this code. Any discharge in violation of a national pollutant discharge elimination system permit shall constitute an illicit discharge.

Impervious surface. An area that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. This includes areas paved with concrete and/or asphalt, but excludes areas that are gravel.

Industrial activities. Activities which are conducted on properties identified by the United States Environmental Protection Agency as requiring a national pollutant discharge elimination system stormwater permit under the definition of "storm water discharge associated with industrial activity" in Title 40, Section 122.26 of the Code of Federal Regulations, or any amendment thereof.

Inspection. Includes, but is not limited to, any on-site physical examination of all facilities and grounds which may discharge to a municipal separate storm sewer system; a review of all

records on operation and maintenance of facilities; and the results of any monitoring performed for compliance with state, federal, and local regulations or permit conditions.

Municipal separate storm sewer system (MS4). A conveyance or system of conveyances (including, but not limited to, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned or operated by a local government that discharges to waters of the United States or connects to other municipal separate storm sewer systems, that is designed solely for collecting or conveying stormwater, and that is not part of a publicly owned treatment works as defined by 40 CFR 122.2, or any amendment thereto.

National pollutant discharge elimination system (NPDES). The federal program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Sections 307, 402, 318, and 405 of the Clean Water Act.

Person. Any individual, partnership, firm, organization, corporation, association, or other legal entity, whether singular or plural, as the context may require.

Point source. Any discernible and confined conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, container, rolling stocks, concentrated animal feeding operation, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

Pollutant. Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munition, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 [U.S.C. 2011 et seq.]), heat, wrecked or discharged equipment, rock, sand, and industrial, municipal, and agricultural waste discharged into water.

Stormwater. Surface runoff and drainage of water resulting from rainfall.

Town. Shall mean the incorporated areas of Town of St. Leo, a political subdivision of the State of Florida.

Town Commission. The Town of St. Leo Town Commission or its designee.

Waters of the United States. As defined by the United States Environmental Protection Agency (USEPA) in Title 40, Section 122 of the Code of Federal Regulations, or any amendments thereto.

SECTION 1204 – Control of stormwater discharges

A. Stormwater discharges to the municipal separate storm sewer system and United States waters.

1. Discharges to the MS4 shall be controlled to the extent that such discharge will not impair the operation of the municipal separate storm sewer system or contribute to

the failure of the municipal separate storm sewer system to meet any local, state, or federal requirements. Discharges to waters of the United States shall be controlled to the extent that the discharge will not adversely impact the quality or beneficial uses of the receiving water or result in violation of any federal, state, or local laws.

2. Any person responsible for discharges determined by the Town to be contributing to the degradation or impairment of the MS4, waters of the United States, Lake Jovita, Finger Bowl Lake and/or wetlands, either directly or through a municipal separate storm sewer system, shall provide corrective measures in accordance with a schedule approved by the Town and may be subject to paying fines and damages.

B. Stormwater discharges from development activities and construction sites.

1. Prior to undertaking any construction, including site preparation, the property owner must obtain approval from the Town of St. Leo or provide to the Town an approval letter from the appropriate regulatory agency. All stormwater from all construction sites shall be controlled in such a way as to retain sediment onsite and prevent violations of state water quality standards or national pollutant discharge elimination system permits. All erosion, pollution, and sediment controls required pursuant to the pollution prevention plan of a national pollutant discharge elimination system stormwater permit for construction or required pursuant to a state stormwater permit issued by either the Florida Department of Environmental Regulation (DEP), the Southwest Florida Water Management District (SWFMWD) or the Town of St. Leo shall be properly implemented, maintained, and operated.

2. Stormwater from areas of development activity shall be treated or managed on-site, using best management practices in accordance with national pollutant discharge elimination system permits or as required and permitted by DEP or SWFWMD, prior to discharging to the MS4, United States waters, Lake Jovita, Finger Bowl Lake and/or wetlands. All stormwater discharges from the site shall be of a quality which will not adversely impact the water quality or beneficial uses of the receiving water.

C. Control of pollutant contributions from interconnected municipal separate storm sewer systems.

1. The discharge of stormwater between interconnected state, Town, or other municipal separate storm sewer systems shall not impair the quality of the discharge from the receiving municipal separate storm sewer system. Owners of sections of an interconnected municipal separate storm sewer system shall be responsible for the quality of discharge from their portion of the system and shall coordinate with the owners of the downstream segments prior to connections into their system.

SECTION 1205 – Control of non-stormwater discharges.

A. *Prohibition of illicit discharges*. Any discharge, other than stormwater, to a municipal separate storm sewer system or to waters of the United States which is not exempt under Section 1207 of this code is considered an illicit discharge as defined in this chapter and is prohibited.

B. *Reporting illicit discharges or illicit connections*. Upon discovery of an illicit discharge or illicit connection, persons responsible for the discharge or the connection shall report their findings by telephone immediately to the Town Clerk and follow within 48 hours with written notification.

C. *Control of illicit discharges or illicit connections*. Persons responsible for illicit discharges or illicit connections shall immediately, upon notification or discovery, initiate procedures to cease discharging or provide suitable containment facilities until modifications are made to properly treat the discharge or a national pollutant discharge elimination system permit is obtained. Such procedures shall include a requirement to obtain approval from the Town Commission of a schedule for implementing proposed corrective measures.

SECTION 1206 – Inspection and maintenance of systems.

A. *Inspection and monitoring for compliance*. Town personnel shall be granted access for inspection of facilities discharging or suspected of discharging to the MS4, waters of the United States, Lake Jovita, Finger Bowl Lake and/or wetlands in order to evaluate and investigate the potential for release of materials other than stormwater or potential violations of any of the terms of this code. All structures and processes which allow discharges to the aforementioned facilities as well as records concerning them shall be made accessible to Town personnel for monitoring of the quality of the discharges.

B. *Maintenance of control structures*. Structural controls and other best management practices used to reduce pollutants in stormwater discharges shall be operated and maintained so as to function in accordance with the permitted design or performance criteria in compliance with national pollutant discharge elimination system or other permit conditions. Operation and maintenance shall be done so as to ensure treatment of stormwater or reduction in pollutants in stormwater discharges consistent with appropriate federal, state, water management district, or local rules or permit requirements.

SECTION 1207 – Exemptions

The following activities shall be exempt from the requirements of this code:

1. Discharges from:
    a. Water line flushing;
    b. Landscape irrigation;
    c. Uncontaminated groundwater infiltration (as defined by 40 CFR 35.2005[20]) to separate storm sewers;

d. Uncontaminated pumped groundwater;

e. Discharges from potable water sources;

f. Air conditioning condensation;

g. Irrigation water;

h. Springs;

i. Lawn watering;

j. Individual residential car washing;

k. Flows from riparian habitats and wetlands;

l. Street wash waters;

m. Discharges or flows from emergency firefighting activities.

n. Construction activities where it is reasonable to conclude, based on site conditions, that there will be no off-site transport of sediment or other pollutants.

2. Discharges which meet the water quality standards of Chapter 62-302, FAC, and any amendment thereto.

3. Discharges from facilities in compliance with the conditions of all required national pollutant discharge elimination system permits issued under the authority of the United States Environmental Protection Agency.

SECTION 1208 – Stormwater management requirements

A. *Requirement for stormwater management plan*.

1. Unless specifically exempted, modified, or waived pursuant to the Town's development review procedures, a stormwater management plan and either a Southwest Florida Water Management District (SWFWMD) permit approval letter or exemption letter shall be submitted to the Town before any development approval is granted. The Town may require additional stormwater design standards, particularly related to implementing biofiltration and stormwater reuse techniques.

B. *General standards for SWFWMD-exempt development*.

1. To ensure no adverse drainage or flooding impacts on abutting property and minimal impacts on drainage/water quality unto public rights-of-way, Lake Jovita or wetlands, a grading plan must be submitted to the Town for approval for any new development. The grading plan shall include a pre-development property survey (including the first 50 feet of adjacent property) with contours (at no greater than two-foot intervals) and a post-development grading plan with contours depicting

erosion and sediment control measures; identification of swales and other drainage features to control runoff velocity and enhance water run-off quality; roof runoff direction; and a control and detailed paving and landscape area grading plan.

2. Where an adjoining property has a structure at a lower elevation than the proposed structure and the existing slope on the adjoining property is sloping downward from the proposed structure, a swale must be provided entirely on the subject property in order to ensure that drainage occurs across the subject property without interference to drainage of the adjoining parcel.

3. To ensure prevention of wetland and/or lake degradation, staked and entrenched hay bales or other temporary sediment barriers shall be installed during construction activity at the toe of all exposed slopes which meet or exceed four horizontal feet to one vertical foot (4:1) and are within 25 feet of wetlands or any surface water feature not bounded entirely by the limits of the development site. These shall be placed and maintained such that drainage will not overflow or bypass the barrier and shall remain in place until the slope is leveled or permanently stabilized.

C. *Performance and design standards for non-exempt SWFWMD development*.

1. It is the intent of this Code to ensure attainment of the objectives of this Code and to ensure that standards will be met. The design, performance, construction, and maintenance of the drainage system shall be consistent with the following:

   a. Limit the rate of stormwater discharge from new developments to amounts which are equal to, or less than, the rate of discharge which existed prior to development in accordance with the rules of the Southwest Florida Water Management District (SWFWMD).

   b. Stormwater ponds shall utilize biofiltration and stormwater reuse techniques. All stormwater ponds and drainage swales shall be vegetated.

   c. The area of land disturbed by development shall be as small as practicable. Those areas which are not to be disturbed shall be protected by an adequate barrier from construction activity. Whenever possible, natural vegetation shall be retained and protected.

   d. No grading, cutting, or filling shall be commenced until erosion and sedimentation control devices have been installed between the disturbed area and water bodies, water courses, and wetlands.

   e. Land which has been cleared for development and upon which construction has not been commenced shall be protected from erosion by appropriate techniques designed to revegetate the area and ensure that sediment shall be retained on the site of the development.

f. Erosion and sedimentation facilities shall receive regular maintenance to ensure that they continue to function properly.

g. Vegetated buffer strips shall be provided or, where practicable, retained in their natural state along the banks of all water bodies or wetlands.

h. Development, including grading, shall take place in a manner that protects the roots and stabilities of trees as required by the tree preservation standards set forth in this code.

i. It is the responsibility of the applicant to include in the stormwater management plan all information required for a permit application submitted to SWFWMD for the Town Commission or its designee to evaluate the environmental characteristics of the affected area, the potential and predicted impacts of the proposed activity on area surface waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts.

j. The developer shall be responsible for obtaining any necessary permits for the stormwater management system required by SWFWMD, Pasco County or state or federal agencies prior to the Town's issuance of a building permit.

D. *Tank Lake drainage basin of special concern*.

1. The Town is located entirely within the Tank Lake drainage basin. Pasco County has designated Tank Lake basin as a closed basin, which means a watershed in which the runoff does not have a surface outfall up to and including the 100-year, ten-day flood level or an open basin with a severe discharge restriction as determined by the board of county commissioners. The Tank Lake basin is delineated on the Town of St. Leo Comprehensive Plan Map Series, Map 5.

2. In order to address this special concern, the Town Commission, for non-exempt SWFMWD projects, may require a developer to seek review and approval of the stormwater management plan by Pasco County prior to the Town's issuance of a building permit.

SECTION 1209 – Enforcement, penalties, and proceedings

A. This chapter shall be administered by the Town Commission or its designee. All persons in violation of this chapter shall address such violations immediately upon written notification by the Town. Violations shall be addressed by providing a written response to the Town Commission, requesting and outlining the temporary and permanent measures that will be taken to correct the violation and a proposed schedule for completion of each of the corrective measures. Proposals for corrective action are subject to the approval of the Town Commission or its designee.

B. The Town Commission or its designee is authorized to issue cease and desist orders in the form of written official notices sent by registered mail to the person(s) responsible for the violation. Specific activities and operations may be ordered to be ceased based upon the following conditions:

1. In a situation that may have a serious effect on the health, safety, or welfare of the public or the environment, including the operation of and quality of stormwater in the Town's municipal separate stormwater system.

2. When irreversible or irreparable harm may result, in the opinion of the Town Commission or its designee, and immediate cessation of the activity is necessary to protect the public or the environment, including the operation of and quality of stormwater in the MS4.

C. Any person who violates any part of this chapter may be prosecuted and punished as provided by F.S. ch. 162. Each day of the violation shall constitute a separate offense, punishable by a fine not to exceed $500.00 or by imprisonment not to exceed 60 days, by both such fine and imprisonment to the limits as set forth in F.S. ch. 162, the fines shall be as set by the Town Commission.

D. In addition to any fines which may be imposed by this section, persons responsible for a discharge which adversely impacts a receiving water shall be liable for all sampling and analytical costs incurred in monitoring the discharge, any state or federal fines imposed as a result of the discharge, and the cost of removing or properly treating the discharge for complete restoration of the quality of all receiving waters to the extent in which they were impaired.

E. In addition to the remedies provided herein, the Town is authorized to make application in a court of appropriate jurisdiction for an injunction restraining any person from violating, or continuing to violate, any provisions of this chapter. Such application for injunction may also seek entry of a court order requiring restoration and mitigation for any impacted land or waters.

F. The Town may elect any or all of the above remedies concurrently, and the pursuance of one shall not preclude the pursuance of another, or any other remedy allowed by law.

G. Any fines or other funds received as a result of enforcement under this chapter which are not used for specific purposes set forth in this chapter shall be deposited in the Town's general fund.

CHAPTER 1300 – FLOODPLAIN MANAGEMENT

SECTION 1301 – IN GENERAL

Subsection 1301.1 – Title

These regulations shall be known as the Floodplain Management Ordinance of the Town of St. Leo, hereinafter referred to as "this chapter."

Subsection 1301.2 – Scope

The provisions of this chapter shall apply to all development that is wholly within or partially within any flood hazard area, including, but not limited to, the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

Subsection 1301.3 – Intent

The purposes of this chapter and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

Subsection 1301.4 – Coordination with the Florida Building Code

This chapter is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

Subsection 1301.5 Warning

The degree of flood protection required by this chapter and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this chapter.

Subsection 1301.6 – Disclaimer of liability

This chapter shall not create liability on the part of the Town Commission of the Town of St. Leo or by any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

SECTION 1302 – APPLICABILITY

Subsection 1302.1 – General

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Subsection 1302.2 – Areas to which this chapter applies

This chapter shall apply to all flood hazard areas within the Town of St. Leo, as established in Subsection 1302.3 of this chapter.

Subsection 1302.3 – Basis for establishing flood hazard areas

The Flood Insurance Study for Pasco County, Florida and Incorporated Areas dated September 26, 2014, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Town of St. Leo Town Hall, 34544 CR 52, St. Leo, FL.

Subsection 1302.4 – Submission of additional data to establish flood hazard areas

To establish flood hazard areas and base flood elevations, pursuant to Section 1305 of this chapter, the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this chapter and, as applicable, the requirements of the Florida Building Code.

2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

Subsection 1302.5 – Other laws

The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

Subsection 1302.6 – Abrogation and greater restrictions

This chapter supersedes any regulation in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing chapters including, but not limited to, land development regulations, zoning regulations, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this chapter and any other regulation, the more restrictive shall govern. This chapter shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this chapter.

Subsection 1302.7 – Interpretation

In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 1303 – DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

Subsection 1303.1 – Designation

The building official is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

Subsection 1303.2 – General

The floodplain administrator is authorized and directed to administer and enforce the provisions of this chapter. The floodplain administrator shall have the authority to render interpretations of this chapter consistent with the intent and purpose of this chapter and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this chapter without the granting of a variance pursuant to Section 1307 of this chapter.

Subsection 1303.3 – Applications and permits

The floodplain administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this chapter;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this chapter is demonstrated, or disapprove the same in the event of noncompliance; and
8. Coordinate with and provide comments to the building official to ensure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this chapter.

Subsection 1303.4 Substantial improvement and substantial damage determinations

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any

other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this chapter is required.

Subsection 1303.5 – Modifications of the strict application of the requirements of the Florida Building Code

The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 1307 of this chapter.

Subsection 1303.6 – Notices and orders

The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this chapter.

Subsection 1303.7 – Inspections

The floodplain administrator shall make the required inspections as specified in Section 1306 of this chapter for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

Subsection 1303.8 – Other duties of the floodplain administrator

The floodplain administrator shall have other duties, including, but not limited to:

1. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Subsection 1303.4 of this chapter;

2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;

4. Review required design certifications and documentation of elevations specified by this chapter and the Florida Building Code to determine that such certifications and documentations are complete; and

5. Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of St. Leo are modified.

Subsection 1303.9 – Floodplain management records

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this chapter; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this chapter and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Town Hall upon a public records request made to the Town Clerk.

SECTION 1304 – PERMITS

Subsection 1304.1 – Permits required

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this chapter, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood

hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this chapter and all other applicable codes and regulations has been satisfied.

Subsection 1304.2 – Floodplain development permits or approvals

Floodplain development permits or approvals shall be issued pursuant to this chapter for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

Subsection 1304.3 – Buildings, structures and facilities exempt from the Florida Building Code

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this chapter:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm, palmetto or other traditional materials and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the department of corrections to any prisoner in the state correctional system.

9. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

Subsection 1304.4 – Application for a permit or approval

To obtain a floodplain development permit or approval, the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in Section 1305 of this chapter.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the floodplain administrator.

Subsection 1304.5 – Validity of permit or approval

The issuance of a floodplain development permit or approval pursuant to this chapter shall not be construed to be a permit for, or approval of, any violation of this chapter, the Florida Building Codes, or any other regulation of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

Subsection 1304.6 – Expiration

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

Subsection 1304.7 – Suspension or revocation

The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this chapter or any other regulation or requirement of this community.

Subsection 1304.8 – Other permits required

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including, but not limited to, the following:

1. The Southwest Florida Water Management District; F.S. § 373.036.
2. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.
4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

SECTION 1305 – SITE PLANS AND CONSTRUCTION DOCUMENTS

Subsection 1305.1 – Information for development in flood hazard areas

A. The site plan or construction documents for any development subject to the requirements of this chapter shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with Subsection 1305.2(2) or 1305.2(3) of this chapter.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with Subsection 1305.2(1) of this chapter.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.

5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

7. Existing and proposed alignment of any proposed alteration of a watercourse.

B. The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this chapter but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this chapter.

Subsection 1305.2 – Information in flood hazard areas without base flood elevations (approximate zone A)

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

    a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

    b. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.

4. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

Subsection 1305.3 – Additional analyses and certifications

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Subsection 1305.4 of this chapter and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.

2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as zone AO or zone AH.

3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Subsection 1305.4 of this chapter.

Subsection 1305.4 – Submission of additional data

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 1306 INSPECTIONS

Subsection 1306.1 – General

Development for which a floodplain development permit or approval is required shall be subject to inspection.

Subsection 1306.2 – Development other than buildings and structures

The floodplain administrator shall inspect all development to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

Subsection 1306.3 – Buildings, structures and facilities exempt from the Florida Building Code

The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

Subsection 1306.4 – Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Subsection 1305.2(3)(b) of this chapter, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

Subsection 1306.5 – Buildings, structures and facilities exempt from the Florida Building Code, final inspection

As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Subsection 1306.4 of this chapter.

Subsection 1306.6 – Manufactured homes

The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this chapter and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the building official.

SECTION 1307 – VARIANCES AND APPEALS

Subsection 1307.1 – General

The Town Commission shall hear and decide on requests for appeals and requests for variances from the strict application of this chapter. Pursuant to F.S. § 553.73(5), the Town Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to section 3109 of the Florida Building Code, Building.

Subsection 1307.2 Appeals

The Town Commission shall hear and decide variances when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this chapter. Any person aggrieved by the decision of the Town Commission may appeal such decision to the circuit court, as provided by Florida Statutes.

Subsection 1307.3 – Limitations on authority to grant variances

The Town Commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Subsection 1307.7 of this chapter, the conditions of issuance set forth in Subsection 1307.8 of this chapter, and the comments and recommendations of the floodplain administrator and the building official. The Town Commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this chapter.

Subsection 1307.4 – Restrictions in floodways

A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Subsection 1305.3 of this chapter.

Subsection 1307.5 – Historic buildings

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

Subsection 1307.6 – Functionally dependent uses

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this chapter, provided the

variance meets the requirements of Subsection 1307.4, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

Subsection 1307.7 – Considerations for issuance of variances

In reviewing requests for variances, the Town Commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this chapter, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the Comprehensive Plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

Subsection 1307.8 – Conditions for issuance of variances

Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;

2. Determination by the Town Commission that:

   a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

   b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and regulations; and

   c. The variance is the minimum necessary, considering the flood hazard, to afford relief;

3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25.00 for $100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION 1308 – VIOLATIONS

Subsection 1308.1 – Violations

Any development that is not within the scope of the Florida Building Code but that is regulated by this chapter that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this chapter, shall be deemed a violation of this chapter. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this chapter or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

Subsection 1308.2 – Authority

For development that is not within the scope of the Florida Building Code but that is regulated by this chapter and that is determined to be a violation, the floodplain administrator is

authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

Subsection 1308.3 – Unlawful continuance

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 1309 – DEFINITIONS

Subsection 1309.1 – Scope

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this chapter, have the meanings shown in Section 1309.

Subsection 1309.2 – Terms defined in the Florida Building Code

Where terms are not defined in this chapter and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

Subsection 1309.3 – Terms not defined

Where terms are not defined in this chapter or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

Subsection 1309.4 – Definitions

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

ASCE 24 means a standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood means a flood having a one percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, section 1612.2.]

Basement means the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, section 1612.2.]

Design flood means the flood associated with the greater of the following two areas: [Also defined in FBC, B, section 1612.2.]

1. Area with a floodplain subject to a one percent or greater chance of flooding in any year; or

2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, section 1612.2.]

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure means any buildings and structures for which the "start of construction" commenced before February 9, 2015. [Also defined in FBC, B, section 1612.2.]

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before February 9, 2015.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA) means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, section 1612.2.]

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, section 1612.2.]

Flood hazard area means the greater of the following two areas: [Also defined in FBC, B, section 1612.2.]

1. The area within a floodplain subject to a one percent or greater chance of flooding in any year.

2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM) means the official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, section 1612.2.]

Flood insurance study (FIS) means the official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, section 1612.2.]

Floodplain administrator means the office or position designated and charged with the administration and enforcement of this chapter (may be referred to as the floodplain manager).

Floodplain development permit or approval means an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this chapter.

Floodway means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, section 1612.2.]

Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code (FBC) means the family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

Letter of map change (LOMC) means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

- Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

- Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

- Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

- Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck, as defined in 40 C.F.R. 86.082-2, means any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;

2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, section 1612.2.]

Manufactured home means a structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this chapter, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

New construction means, for the purposes of administration of this chapter and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after February 9, 2015, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after February 9, 2015.

Park trailer means a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined F.S. § 320.01]

Recreational vehicle means a vehicle, including a park trailer, which is: [See F.S. § 320.01)

1. Built on a single chassis;

2. Four hundred square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B section 1612.2.]

Start of construction means the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B section 1612.2.]

Substantial damage means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B section 1612.2.]

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to ensure safe living conditions. [Also defined in FBC, B, section 1612.2.]

Variance means a grant of relief from the requirements of this chapter, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this chapter or the Florida Building Code.

Watercourse means a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

SECTION 1310 – BUILDINGS AND STRUCTURES

Subsection 1310.1 – Design and construction of buildings, structures and facilities exempt from the Florida Building Code

Pursuant to Subsection 1304.3 of this chapter, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 1316 of this chapter.

SECTION 1311 – SUBDIVISIONS

Subsection 1311.1 – Subdivision/minimum requirements

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Subsection 1311.2 – Subdivision plats

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
2. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Subsection 1305.2 of this chapter; and
3. Compliance with the site improvement and utilities requirements of Section 1312 of this chapter.

SECTION 1312 – SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

Subsection 1312.1 – Minimum requirements.

All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Subsection 1312.2 – Sanitary sewage facilities

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in chapter 64E-6, F.A.C. and ASCE 24 chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

Subsection 1312.3 – Water supply facilities

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in chapter 62-532.500, F.A.C. and ASCE 24 chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

Subsection 1312.4 – Limitations on placement of fill

Subject to the limitations of this chapter, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (zone A only), fill shall comply with the requirements of the Florida Building Code.

SECTION 1313 – MANUFACTURED HOMES

Subsection 1313.1 – General

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of chapter 15C-1, F.A.C. and the requirements of this chapter.

Subsection 1313.2 – Foundations

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code, residential section R322.2 and this chapter.

Subsection 1313.3 – Anchoring

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

Subsection 1313.4 – Elevation

Manufactured homes that are placed, replaced, or substantially improved shall comply with Subsection 1313.5 or 1313.6 of this chapter, as applicable.

Subsection 1313.5 – General elevation requirement

Unless subject to the requirements of Subsection 1313.6 of this chapter, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, residential section R322.2 (zone A).

Subsection 1313.6 – Elevation requirement for certain existing manufactured home parks and subdivisions

Manufactured homes that are not subject to Subsection 1313.5 of this chapter, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, residential section R322.2 (zone A); or

2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

Subsection 1313.7 – Enclosures

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, residential section R322 for such enclosed areas.

Subsection 1313.8 – Utility equipment

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, residential section R322.

SECTION 1314 – RECREATIONAL VEHICLES AND PARK TRAILERS

Subsection 1314.1 – Temporary placement

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

Subsection 1314.2 – Permanent placement

Recreational vehicles and park trailers that do not meet the limitations in Subsection 1314.1 of this chapter for temporary placement shall meet the requirements of Section 1313 of this chapter for manufactured homes.

SECTION 1315 – TANKS

Subsection 1315.1 – Underground tanks

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

Subsection 1315.2 – Above-ground tanks, not elevated

Above-ground tanks that do not meet the elevation requirements of Subsection 1315.3 of this chapter shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

Subsection 1315.3 – Above-ground tanks, elevated

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or

lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

Subsection 1315.4 – Tank inlets and vents

Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

SECTION 1316 – OTHER DEVELOPMENT

Subsection 1316.1 – General requirements for other development

All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this chapter, the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage;
2. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
3. Be constructed of flood damage-resistant materials; and
4. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.