ORD 27-02 EXHIBIT "A"

PART III

LAND DEVELOPMENT CODE

CHAPTER 100 – GENERAL PROVISIONS

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.

Chickee. Pursuant to F.S. § 553.73, means an open-sided wooden hut that has a thatched roof of palm, palmetto or other traditional materials; that may have a wooden deck; and that does not incorporate any electrical, plumbing, or other non-wood features, except that a chickee may:

1. Incorporate non-wood fasteners, including, but not limited to, nails, screws, bolts, nuts, washers, staples, and hurricane straps.
2. Incorporate electrical or plumbing features in accordance with a building permit for the incorporation of such features.

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.

Ecologically significant parcel. Pursuant to F.S. § 163.3164, means a parcel of land which is currently undeveloped and has been designated as either conservation, agriculture, or permanently open land as provided by the Town of St. Leo Comprehensive Plan.

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

Farmworker housing. Means housing for legally verified agricultural workers that complies with the provisions, requirements and conditions of F.S. § 163.3162(5), on land classified as agricultural land pursuant to F.S. § 193.461, which is operated as a bona fide farm operation. For the purposes of this definition, a "legally verified agricultural worker", pursuant to F.S. § 163.3162, means a person who:

1. Is lawfully present in the United States;
2. Meets the definition of eligible worker pursuant to 29 C.F.R. § 502.10;
3. Has been verified through the process provided in F.S. § 448.095(2) and is authorized to work at the time of employment;
4. Is seasonally or annually employed in bona fide agricultural production pursuant to F.S. § 193.461;
5. Remains lawfully present and authorized to work throughout the duration of that employment; and
6. Is not an unauthorized alien as defined in F.S. § 448.095(1).

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. A mobile home that meets the definition of "off-site constructed residential dwelling", as defined in this section, shall be considered an off-site constructed residential dwelling and not a mobile home for the purposes of the Land Development Code.

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.

Off-site constructed residential dwelling. Pursuant to F.S. § 553.385, means a manufactured building, as defined in F.S. § 553.36, intended for single-family residential use; or a manufactured home, as defined in F.S. § 320.01. An off-site constructed residential dwelling shall be considered a single-family residential unit for the purposes of the Land Development Code.

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.

Residential compatibility. As described in F.S. § 163.3194, means the compatibility of allowable residential uses within a residential zoning district and future land use category, specifically as assessed for rezoning, site development or subdivision approval pursuant to Chapter 1400 of the Land Development Code.

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.

CHAPTER 300 – PROCEDURES

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. Pursuant to the requirements of Chapter 1400, as applicable, before recommending denial of an application for residential rezoning, site development or subdivision approval on residential compatibility grounds, Town must identify with specificity each area of incompatibility and may recommend mitigation measures to the applicant.

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. If denied on residential compatibility grounds, pursuant to the requirements of Chapter 1400, as applicable, the denial must specify with particularity the area or areas of incompatibility, including applicable standards and an explanation of any mitigation measures considered and declined by the applicant, or the basis for determining that feasible mitigation measures do not exist.

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, in compliance with the requirements for denial on residential compatibility grounds pursuant to Chapter 1400 as applicable; 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, in compliance with the requirements for denial on residential compatibility grounds pursuant to Chapter 1400 as applicable; or

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

CHAPTER 400 – PERMIT TYPES

SECTION 401 – GENERALLY

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, installation 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.

6. Installation of a public sewer transmission line placed and maintained within and under publicly dedicated rights-of-way as part of a septic-to-sewer conversion where the work is being performed under permits issued by the Florida Department of Transportation pursuant to F.S. ch. 337 and the Florida Department of Environmental Protection, or its delegate, pursuant to F.S. ch. 403.

7. Placement of communications facilities, including small wireless facilities or new utility poles used to support small wireless facilities, in:

   a. Rights-of-way under the control of the Florida Department of Transportation ("department") unless the Town has received a delegation from the department for the location of the small wireless facility or utility pole.

   b. Rights-of-way not owned and controlled by the Town and public utility easements that are within areas not owned and controlled by the Town unless a permit delegation agreement exists between the Town and the owner of the right-of-way or area that contains the public utility easement.

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. For a proposed residential rezoning adjacent to existing or approved residential development, "compatibility" for the purposes of this section shall be assessed as residential compatibility pursuant to Chapter 1400, as applicable.

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 404 – SITE DEVELOPMENT PERMITS

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

D. *Additional decision criteria.* A proposed residential development within a residential zoning district that is adjacent to existing or approved residential development shall be assessed for residential compatibility, as applicable, pursuant to Chapter 1400.

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. Except as specifically prohibited by F.S. § 553.79(24), a~~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:

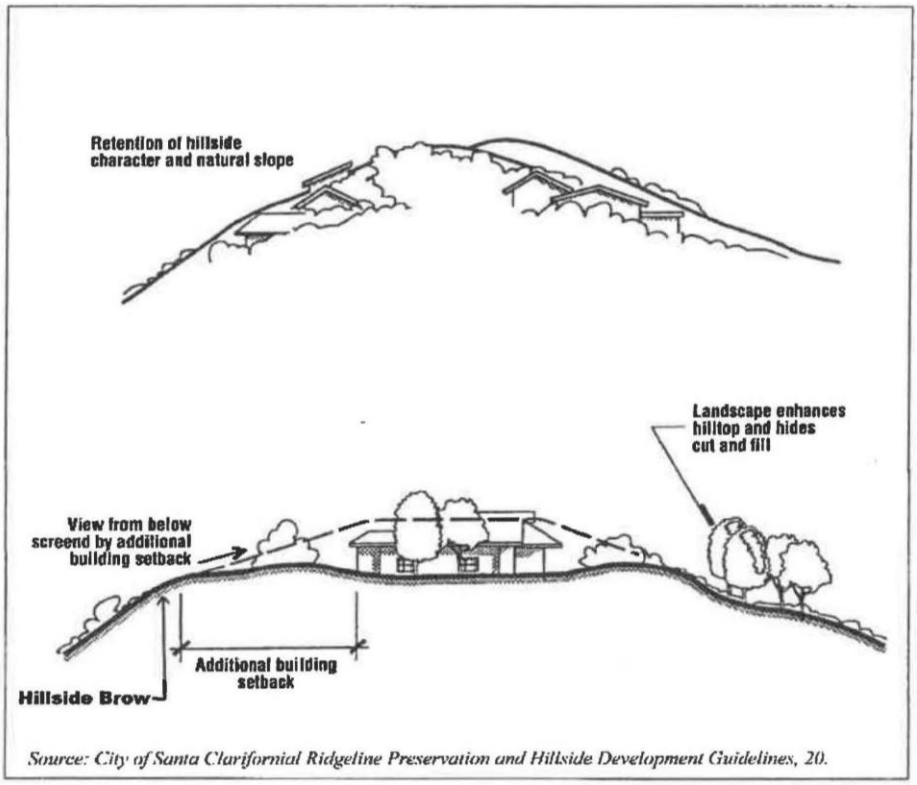
a. Siting, massing and height of buildings and structures.

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, except as specifically prohibited by F.S. § 553.79(24).

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.

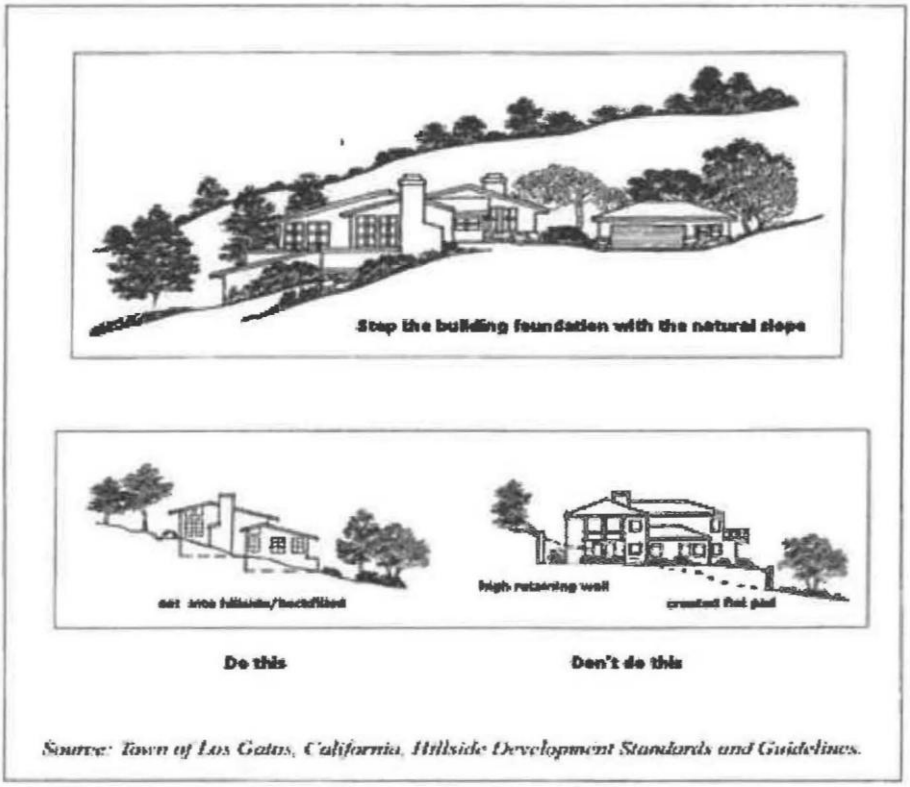
d. Buildings located on the hilltop shall be setback from the hillside brow and buildings located on the hillside slope shall be located such that the building height does not extend beyond the hillside brow. Buildings shall be situated to be sensitive to the hillside slopes by fitting into or blending 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.

2. A proposed residential subdivision that is adjacent to existing or approved residential development shall be assessed for residential compatibility, as applicable, pursuant to Chapter 1400.

CHAPTER 500 – SUBDIVISIONS

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.

Financial assurance. A financial surety payable to the Town of St. Leo, including commonly used forms, such as performance bonds, letters of credit, and escrow agreements, provided that the assurance is in a form reasonably acceptable to the Town and issued by a financially responsible issuer meeting objective standards that are uniformly applied as with other financial assurances accepted by the Town.

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~~ financial assurance 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~~financial assurance issuer action, at no cost to the Town.

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~~ financial assurance 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~~financial assurance, 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 512 – ~~Performance bond~~Financial assurance 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~~financial assurance has been posted by the developer with the Town Clerk, and such ~~surety bond~~financial assurance 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. If the financial assurance received is deficient, the Town Planner must provide written notice to the developer of deficiencies within 10 business days of receipt. 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~~financial assurance 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~~financial assurance 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.

CHAPTER 600 – ZONING DISTRICTS AND STANDARDS

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 (incl. off-site constructed residential dwelling)	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, including charter, or private)	SE[4]	SE[4]	SE[4]	SE[5]	SE[5]/P[6]	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.

[6]A private school enrolling 150 or fewer students is a permitted use in the B zoning district, pursuant to Section 603.2. A private school enrolling more than 150 students is a special exception use in the B zoning district and may only be considered if less than five acres in size.

Subsection 603.2 – Small private schools

A. A private school enrolling 150 or fewer students shall be a permitted use in the Business (B) zoning district. Pursuant to F.S. § 1002.42, the Town may not require mitigation for this use except

for proportionate mitigation measures necessary to mitigate vehicular traffic and pedestrian safety, subject to the following provisions:

1. The vehicular traffic and pedestrian safety mitigation measures required by the Town shall be limited to those impacts reasonably and directly attributable to the operation of the private school at the site and shall be no greater in cost or scope than what is required of all other uses, education or otherwise, within the B zoning district.

2. The private school subject to vehicular traffic and pedestrian safety mitigation measures may, in lieu of complying with such mitigation measures, provide a traffic study that demonstrates the school will not have disproportionate impact on vehicular traffic or pedestrian safety compared to other allowable uses within the B zoning district.

B. Pursuant to F.S. § 1002.42, notwithstanding the limitations of Section 603, a private school enrolling 150 or fewer students may operate in a facility that is an existing assembly, day care, mercantile, or business occupancy, as defined in the Florida Fire Prevention Code. A private school operating in such a facility must meet the standards for existing educational occupancy requirements under the Florida Fire Prevention Code, adopted by the State Fire Marshal, which may be satisfied by completion of the fire safety evaluation system for educational occupancies in the National Fire Protection Association, Life Safety Code, NFPA 101A: Guide on Alternative Approaches to Life Safety, adopted by the State Fire Marshal, by a registered design professional licensed under F.S. ch. 471 or F.S. ch. 481, with a determination of achieving at a minimum an "at least equivalent" conclusion.

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[9]: 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[9]	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.

[9]Pursuant to F.S. § 163.3202, an application for development on an ecologically significant parcel may not be administratively approved without an attestation provided by the developer, under

penalty of perjury, to the Town which states that the development will not exceed a maximum density of 1 residential unit per 20 acres, except as provided in Subsection 604.2.

Subsection 604.2 – Ecologically significant parcels, maximum residential density

A. Pursuant to F.S. § 163.3202, notwithstanding any ordinance to the contrary, an application for a development on an ecologically significant parcel, as defined in this Code, may not be administratively approved without an attestation provided by the developer, under penalty of perjury, to the Town which states that the development will not exceed a maximum density of 1 residential unit per 20 acres. This shall not be construed to allow the development of any parcel that is inconsistent with the Town of St. Leo Comprehensive Plan or any applicable requirements of this Code.

B. This subsection does not apply to applications for the construction of residential units on an ecologically significant parcel for the express purpose of providing housing for family members of the applicant. However, the applicant must provide an attestation, under penalty of perjury, to the Town which states that the residential units being constructed will be used for such express purpose before the administrative approval of an application for development.

C. The density restriction of this subsection may be waived upon a resolution approved by a unanimous vote of the Town Commission.

CHAPTER 800 – USE-SPECIFIC STANDARDS

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, but are not limited to, 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.

F. Farmworker housing shall be exempt from any accessory building standards provided in this section and within each zoning district that are in conflict with the statutory provisions, requirements and conditions as provided in Subsection 811.1.

G. Pursuant to F.S. § 166.04845, the Town may not prevent a person who is a member of the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida from constructing a chickee:

1. In a side yard if the chickee is at least 10 feet from the property line.

2. Near another structure if the chickee is at least 10 feet from any other structure

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 811 – BONA FIDE AGRICULTURAL OPERATIONS

Subsection 811.1 – Farmworker housing

Notwithstanding any provisions of this Code to the contrary, to the extent provided by law, the Town shall not inhibit the construction or siting of farmworker housing on agricultural lands operated as a bona fide farm operation, provided the farmworker housing complies with the provisions, requirements and conditions of F.S. § 163.3162(5).

Subsection 811.2 – Bona fide agricultural activities

Notwithstanding any provisions of this Code to the contrary, to the extent provided by law, the Town shall not prohibit, restrict, regulate, or otherwise limit an activity of a bona fide farm operation, including, but not limited to, the collection, storage, processing, and distribution of a farm product as defined under F.S. § 163.3162 on land classified as agricultural land pursuant to F.S. § 193.461 if such activity is regulated through implemented best management practices, interim measures, or regulations adopted as rules under F.S. ch. 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water

management district as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

SECTION ~~811~~ 812 – 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~~ 813 – Special Exception Uses

Subsection ~~812.1~~813.1 – 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. *Exempt facilities*. In accordance with F.S. § 337.401, the provisions of this subsection shall not apply to the following facilities, which shall be regulated pursuant to Chapter 27, Part II, Town of St. Leo Code of Ordinances to the extent permissible by Florida Law:

1. Communications facilities, including small wireless facilities or new utility poles used to support small wireless facilities, in rights-of-way under the control of the Florida Department of Transportation ("department") unless the Town has received a delegation from the department for the location of the small wireless facility or utility pole.

2. Communications facilities, including small wireless facilities or new utility poles used to support small wireless facilities, in rights-of-way not owned and controlled by the Town and public utility easements that are within areas not owned and controlled by the Town unless a permit delegation agreement exists between the Town and the owner of the right-of-way or area that contains the public utility easement.

~~B~~C. *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~~D. *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~~E. *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~~F. *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)~~813.1(E)(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~~G. *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~~H. *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~~813.2 – 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.

O. Manufactured residential buildings certified under F.S. ch. 553 may be placed on mobile home lots and shall comply with all requirements for mobile home units under this subsection.

SECTION ~~813~~ 814 CONDITIONAL USES

Subsection ~~813.1~~814.1 – *Reserved*
[Reserved]

CHAPTER 1100 – CONCURRENCY AND IMPACT FEES

SECTION 1102 – DEVELOPMENT IMPACT FEES

Subsection 1102.2 – Impact fees

A. Excepting reconstruction or replacement of an existing structure as provided in paragraph E below, there ~~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. Excepting reconstruction or replacement of an existing structure as provided in paragraph E below, there ~~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.

E. Pursuant to F.S. § 163.31801, an impact fee shall not be assessed for the reconstruction or replacement of a previously existing structure if the replacement structure is of the same land use as the original structure and does not increase the impact on public facilities beyond that of the original structure. However, if the replacement structure increases the demand on public facilities due to a significant increase in size, intensity, or capacity of use, the impact fee must be assessed in an amount proportional to the difference in the demand between the replacement structure and the original structure. Any such fee must be reasonably connected to, or have a rational nexus with, the need for additional transportation and road expenses and the increased impact generated by the reconstruction or replacement of the previously existing structure.

Subsection 1102.4 – Impact fee increases

Any adoption or increase of an impact fee by the Town Commission shall conform with the requirements and limitations of F.S. § 163.31801, including, but not limited to:

1. Fee calculations based on a demonstrated-need study using a plan-based methodology, as defined in F.S. § 163.3164, which uses the most recent and localized data available within 4 years of the current impact fee update;

2. Minimum notice requirements; and

3. Incremental phase-in requirements.

CHAPTER 1300 – FLOODPLAIN MANAGEMENT

SECTION 1304 – PERMITS

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; that may have a wooden deck; and that does not incorporate any electrical, plumbing, or other non-wood features, except that a chickee may:

   a. Incorporate non-wood fasteners, including, but not limited to, nails, screws, bolts, nuts, washers, staples, and hurricane straps.

   b. Incorporate electrical or plumbing features in accordance with a building permit for the incorporation of such 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 1304.8 – 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~~ Environmental Protection for onsite sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C., except as follows:

   a. If a building permit is for a single-family residence that requires the use of an onsite sewage treatment and disposal system, the Town may not require the owner or builder to receive a construction permit from the Florida Department of Environmental Protection for such system as a condition of issuing the building permit. However, the owner or builder of the single-family residence must provide to the Town proof that the owner or builder submitted an application for the onsite sewage treatment and disposal system when applying for a building permit.

b. If construction of the onsite sewage treatment and disposal system commences before the issuance of the permit for the onsite sewage treatment and disposal system, the property owner or the applicant must assume all legal, financial, and safety liabilities arising therefrom.

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.

CHAPTER 1400 RESIDENTIAL COMPATIBILITY

SECTION 1401 Intent and Purpose

This chapter provides for the objective assessment of residential compatibility, including measures to mitigate potential incompatibility, as required by F.S. § 163.3194. The provisions of this chapter shall not be construed to require approval of any application that is otherwise inconsistent with the Town of St. Leo Comprehensive Plan or does not meet the requirements of this Code.

SECTION 1402 Applicability

The requirements of this chapter apply to residential rezoning applications and site development and subdivision applications for residential uses within a residential zoning district and future land use category that are adjacent to residential uses. This chapter does not apply to any of the following:

(1) Compatibility between different uses in future land use categories, including rural, agricultural, conservation, open space, mixed-use, industrial, or commercial use.

(2) Applications for development within planned unit developments or master planned communities.

(3) Applications for development within the St. Leo Abbey Historic District, as delineated on the National Register of Historic Places.

SECTION 1403 Residential Compatibility Assessment

To the extent that assessing compatibility or impacts to community, neighborhood, or area character is a decision criterion for approval of a residential development application covered by

this chapter, compatibility shall be assessed strictly according to the factors and objective standards below, and only between residential uses. Compatibility assessments between a residential use and a non-residential use, or between non-residential uses, shall not be required to follow these standards.

(1) *Residential rezoning*.

a. *Residential use categories*. The permissible residential use categories of the proposed zoning district shall be compared to adjacent residential zoning districts. Rezoning applications that permit the same categories as adjacent residential zoning districts shall be considered compatible with regard to residential use. A proposed zoning district that permits higher intensity residential uses that is adjacent to a lower intensity zoning district (e.g. proposed multiple-family adjacent to single-family) may be considered incompatible with regard to residential use, and may be required to be mitigated pursuant to Section 1404.

b. *Density*. The maximum permissible density of the proposed zoning district shall be compared to adjacent residential zoning districts. Rezoning applications that permit the same or lower density as adjacent residential zoning districts shall be considered compatible with regard to density. A proposed zoning district that permits higher density than an adjacent zoning district may be considered incompatible with regard to density, and may be required to be mitigated pursuant to Section 1404.

c. *Minimum lot area*. The minimum lot area of the proposed zoning district shall be compared to those of adjacent residential zoning districts. A proposed zoning district that requires the same or larger minimum lot area as all adjacent residential zoning districts shall be considered compatible with regard to lot area. A proposed zoning district that requires a smaller minimum lot area than any adjacent residential zoning district may be considered incompatible with regard to lot area, and may be required to be mitigated pursuant to Section 1404.

d. *Setbacks*. The minimum building setbacks of the proposed zoning district shall be compared to those of adjacent residential zoning districts. A proposed zoning district that requires the same or larger minimum building setbacks as all adjacent residential zoning districts shall be considered compatible with regard to setbacks. A proposed zoning district that requires a smaller minimum building setback than any adjacent residential zoning district may be considered incompatible with regard to setbacks, and may be required to be mitigated pursuant to Section 1404.

(2) *Site development permit*.

a. *Residential use categories*. The proposed residential use category shall be compared to adjacent existing and approved residential uses. A proposed site development that entails the same residential use category as all adjacent existing and approved uses shall be considered compatible with regard to residential use. A proposed site development that entails a higher intensity residential use than an adjacent existing or approved residential use (e.g. proposed multiple-family adjacent to single-family) may be considered incompatible with regard to residential use, and may be required to be mitigated pursuant to Section 1404.

b. *Density.* The proposed density of the project shall be compared to the density of adjacent existing and approved development. A proposed site development that entails the same or lower density as all adjacent existing and approved development shall be considered compatible with regard to density. A proposed site development with higher density than an adjacent existing or approved development may be considered incompatible with regard to density, and may be required to be mitigated pursuant to Section 1404.

c. *Setbacks*. The proposed placement of structures shall be compared to that of adjacent existing and approved residential development. Proposed site plans that do not have narrower abutting setbacks than adjacent existing and approved residential development shall be considered compatible with regard to setbacks. Proposed site plans that have narrower setbacks than abutting development may be considered incompatible with regard to setbacks, and may be required to be mitigated pursuant to Section 1404.

d. *Architectural style*. The proposed architectural style of a proposed multi-family project shall be compared to adjacent existing and approved residential structures. Architectural styles that are identical or substantially similar to those of adjacent residential structures shall be considered compatible with regard to architectural style. For the purposes of this chapter, architectural style may include building design elements such as the external building color, the type or style of exterior cladding material, the style or material of roof structures or porches, the exterior nonstructural architectural ornamentation, and the location or architectural styling of windows or doors. As prohibited by F.S. § 163.3202, architectural style or building design elements of an application for a proposed single-family or two-family dwelling shall not be assessed for compatibility.

(3) *Subdivision*.

a. *Residential use categories*. The residential use category of the proposed subdivision shall be compared to adjacent existing and approved residential

uses. A proposed subdivision that entails the same residential use category as all adjacent existing and approved uses shall be considered compatible with regard to residential use. A proposed subdivision that entails a higher intensity residential use than an adjacent existing or approved residential use (e.g., proposed attached single-family adjacent to detached single-family) may be considered incompatible with regard to residential use, and may be required to be mitigated pursuant to Section 1404.

b. *Density.* The density of the proposed subdivision shall be compared to the density of adjacent existing and approved development. A proposed subdivision that entails the same or lower density as all adjacent existing and approved development shall be considered compatible with regard to density. A proposed subdivision with higher density than an adjacent existing or approved development may be considered incompatible with regard to density, and may be required to be mitigated pursuant to Section 1404.

c. *Minimum lot area*. The lot sizes of the proposed subdivision shall be compared to those of adjacent residential lots. If the proposed average lot size is larger than or the same as the average size of abutting residential lots, then it shall be considered compatible with regard to lot size. If it is smaller, then it may be considered incompatible with regard to lot size, and may be required to be mitigated pursuant to Section 1404.

d. *Setbacks*. The proposed placement of structures shall be compared to that of adjacent existing and approved residential development. Proposed subdivisions that do not have narrower abutting setbacks than adjacent existing and approved residential development shall be considered compatible with regard to setbacks. Proposed subdivisions that have narrower setbacks than abutting setbacks, may be considered incompatible with regard to setbacks, and may be required to be mitigated pursuant to Section 1404.

SECTION 1404 Residential Incompatibility Mitigation

A. If a rezoning, site development or subdivision application is found to be incompatible pursuant to Section 1403 with regard to one or more factors, then the applicant may be required to mitigate the incompatibility according to the applicable mitigation measures below. If the applicant chooses to propose alternative mitigation measures, the Town shall consider the adequacy of such measures to mitigate incompatibilities.

B. Incompatibility may potentially be mitigated through site design techniques, including, but not limited to:

1. Variation in use categories and dwelling types throughout the project, such that similar lower-intensity uses are sited abutting lower-intensity uses, with any higher-intensity uses sited as far as possible from such adjacent lower-intensity uses.

2. Increased setbacks and/or landscape buffering of sufficient height and density to limit visual impact of the proposed project on adjacent existing and approved development.

3. Incorporation of similar architectural style and building design elements as adjacent existing and approved development.

SECTION 1405 Requirements for Denial on Residential Compatibility Grounds

A. Before recommending denial of an application for residential rezoning, site development or subdivision approval on compatibility grounds, Town staff must identify with specificity each area of incompatibility and may recommend mitigation measures to the applicant.

B. If the applicant has proposed mitigation measures, the Town may not deny an application on compatibility grounds unless the denial includes written findings stating that the proposed mitigation measures are inadequate and that feasible mitigation measures do not exist.

C. A denial of an application on compatibility grounds must specify with particularity the area or areas of incompatibility, including applicable standards and an explanation of any mitigation measures considered and declined by the applicant, or the basis for determining that feasible mitigation measures do not exist. References to "community character" or "neighborhood feel" are not sufficient, in and of themselves, to support a denial of an application on compatibility grounds.