

## **Attachment “B”**

### **Some Relevant Land Development Code References**

## **Sec. 30-51. - Single-family residential districts (RSF-1, RSF-2, RSF-3 and RSF-4).**

- (a) *Purpose.* The single-family districts are established for the purpose of providing areas for low density single-family residential development with full urban services at locations convenient to urban facilities, neighborhood convenience centers, neighborhood shopping centers and activity centers. These districts are characterized by single-family residential structures designed and located so as to protect the character of single-family residential neighborhoods.
  - (b) *Objectives.* The provisions of these districts are designed to:
    - (1) Protect and stabilize the essential characteristics of such existing development;
    - (2) Encourage such future development to occur on vacant land where the natural characteristics of such land are suitable for this type of development;
    - (3) Enable single-family development to occur at appropriate locations and with sufficient density so as to facilitate the provision of urban services and facilities in an economical and efficient manner;
    - (4) Encourage low density development where higher density development would be detrimental to the health, safety and welfare of the community by reason of environmental constraints, open space or other factors; and
    - (5) Discourage any activities not compatible with such residential development.
  - (c) *Permitted uses.*
    - (1) *Uses by right.*
      - a. Single-family dwellings and customary accessory buildings incidental thereto.
      - b. Occupancy of a single-family dwelling by one family.
      - c. Community residential homes, in accordance with article VI.
      - d. Family child care homes, in accordance with state law.
      - e. Adult day care homes, in accordance with article VI.
      - f. Home occupations, in accordance with article IV.
      - g. Large family child care homes, in accordance with article VI.
    - (2) *Uses by special use permit.*
      - a. Places of religious assembly, in accordance with article VI.
      - b. Private schools, in accordance with article VI.
      - c. Public schools, other than institutions of higher learning, in accordance with section 30-77, educational services district (ED).
  - (d) *General requirements.* All structures and uses within this district shall also comply with the applicable requirements and conditions of section 30-56 and article IX.
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- (e) *Dimensional requirements.* (See Table 1):

TABLE 1. DIMENSIONAL REQUIREMENTS FOR RSF DISTRICTS  
Principal Structures

		RSF-1	RSF-2	RSF-3	RSF-4
	Maximum density	3.5 du/a	4.6 du/a	5.8 du/a	8 du/a
	Minimum lot area	8,500 sq. ft.	7,500 sq. ft.	6,000 sq. ft.	4,300 sq. ft.
	Minimum lot width at minimum front yard setback	85 ft.	75 ft.	60 ft.	50 ft.
	Minimum lot depth	90 ft.	90 ft.	90 ft.	80 ft.
	Minimum yard setbacks:				
	Front	20 ft.	20 ft.	20 ft.	20 ft.
	Side (interior)	7.5 ft.	7.5 ft.	7.5 ft.	7.5 ft.
	Side (street)	10 ft.	10 ft.	7.5 ft.	7.5 ft.
	Rear	20 ft.	20 ft.	15 ft.	10 ft.
	Maximum building height	35 ft.	35 ft.	35 ft.	35 ft.

Accessory Structures <sup>1</sup>, Excluding Fences and Walls

Minimum front and side yard setbacks	Same requirements are for the principal structure.
Minimum yard setback, rear <sup>2</sup>	7.5 ft.
Maximum building height	25 ft.
Transmitter towers <sup>3</sup>	80 ft.

<sup>1</sup> Accessory screened enclosure structures whether or not attached to the principal structure may be erected in the rear yard as long as the enclosure has a minimum yard setback of three feet from the rear property line. The maximum height of the enclosure at the setback line shall not exceed eight feet. The roof and all sides of the enclosure not attached to the principal structure must be made of screening material.

<sup>2</sup> One preengineered or premanufactured structure of 100 square feet or less may be erected in the rear and side yards as long as the structure has a minimum yard setback of three feet from the rear or side property lines, is properly anchored to the ground, and is separated from neighboring properties by a fence or wall which is at least 75 percent opaque.

Sec. 30-302. - General requirements and procedures.

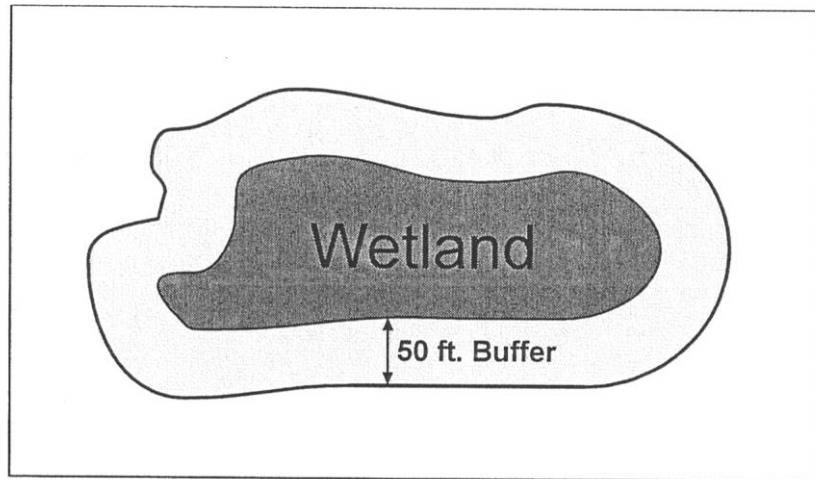
- (a) *Platted lots.* It is the policy of the city that wetlands and required wetland buffers not be included within any platted lots or blocks for lots or blocks of any subdivision (not including lot splits and minor subdivisions) which are approved after April 12, 2004.
- (b) *Buffers.* Except as otherwise provided, there shall be no development in, on or over a surface water or wetland, or within 75 feet of the landward extent of a regulated lake, or within 35 feet of the break in slope at the top of the bank of any regulated creek as referred to in section 30-301.

A minimum buffer distance of 35 feet and an average minimum buffer distance of 50 feet shall be required between the developed area and the landward extent of any wetland or surface water, other than (as provided in the preceding paragraph) a regulated lake or creek. Figure 1 depicts the minimum 50-foot buffer distance without encroachment. Wherever the buffer distance is less than 50 feet, the amount of such encroachment along the 50-foot buffer line shall be mitigated along an equal length of buffer line contiguous to the encroachment. Such mitigation shall consist of increasing the minimum buffer distance so that the average minimum buffer distance of 50 feet is maintained at that location. Figures 2 and 3 depict encroachment of the 50-foot distance with required mitigation contiguous to the encroachment. The required increase in minimum buffer distance can be provided along an equal length of buffer line not contiguous to the encroachment only if greater protection of wetland resources can be attained, subject to the approval of the city manager or designee or appropriate reviewing board. See Figure 4 for depiction of increased minimum buffer distance along equal length of buffer line not contiguous to the encroachment.

The average minimum distance of 50 feet shall be maintained under all circumstances unless it is established, prior to permitting, by competent, substantial evidence that a distance greater than 50 feet is required for the protection of wetland functions, as required by this article. Buffers shall remain in an undisturbed condition except for drainage features that will not adversely affect wetland functions and public infrastructure exempted by section 30-304. Outfall structures from stormwater retention or detention basins can be allowed within required buffers. The buffer shall not apply to surface waters or wetlands created by humans, except those wetlands that are created for mitigation. The buffer shall be clearly delineated with permanent markers.

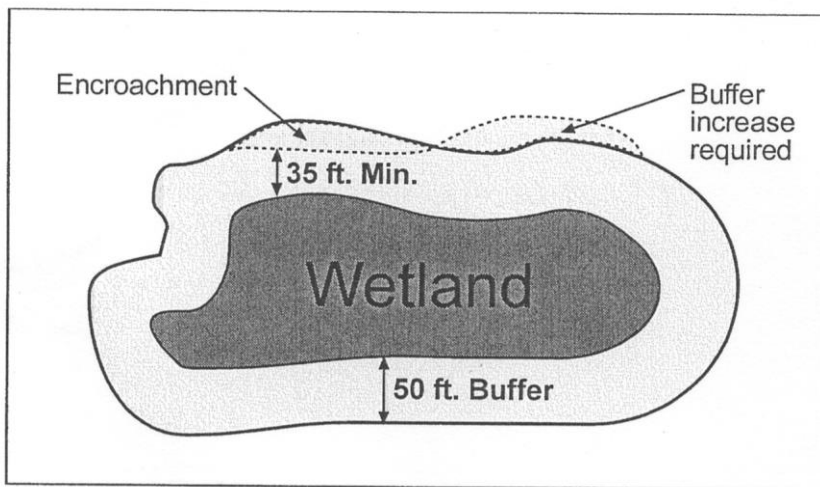
Within required wetland or surface water buffers, there shall be no placement of impervious surfaces or sod, except as otherwise allowed pursuant to this article. All invasive, non-native plant species listed in section 30-251(7)g. shall be removed prior to issuance of the certificate of occupancy. All plants listed on the Noxious Weed List, Section 5B-57.007, F.A.C., shall be removed prior to issuance of the certificate of

occupancy. Native vegetation shall be retained and/or installed in order to protect wetland and surface

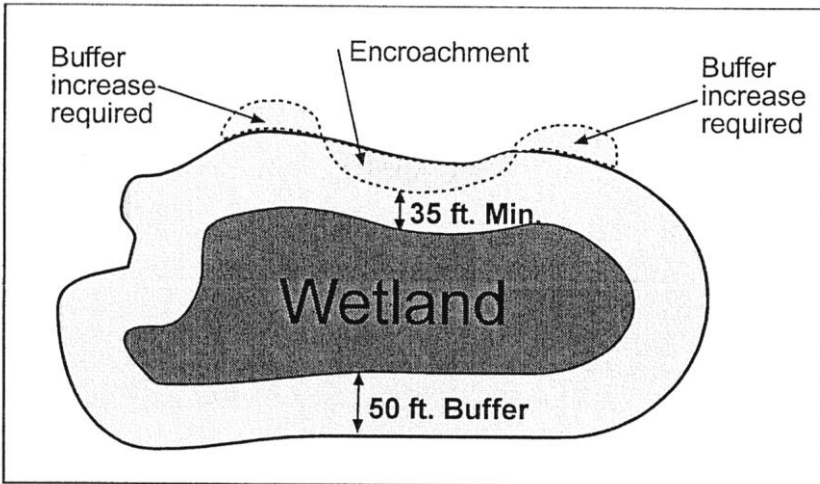


water environmental features.

*Figure 1. Minimum 50-foot buffer*



*Figure 2. Buffer encroachment with contiguous increase*



*Figure 3. Buffer encroachment with contiguous increases*

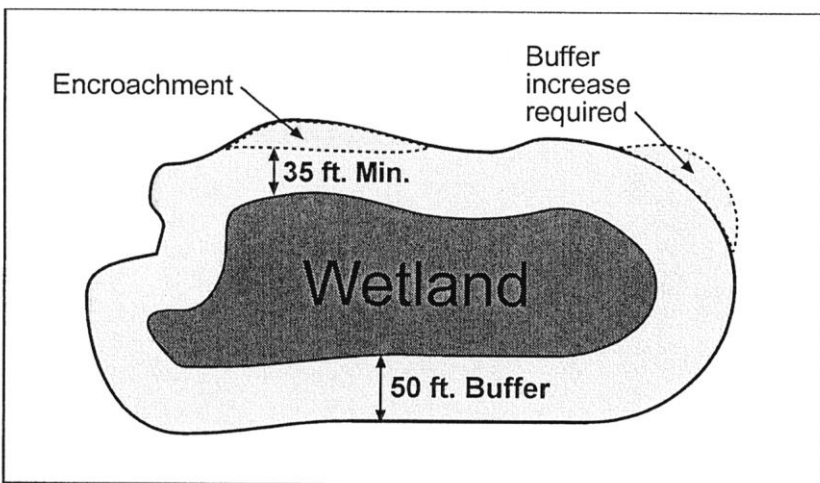
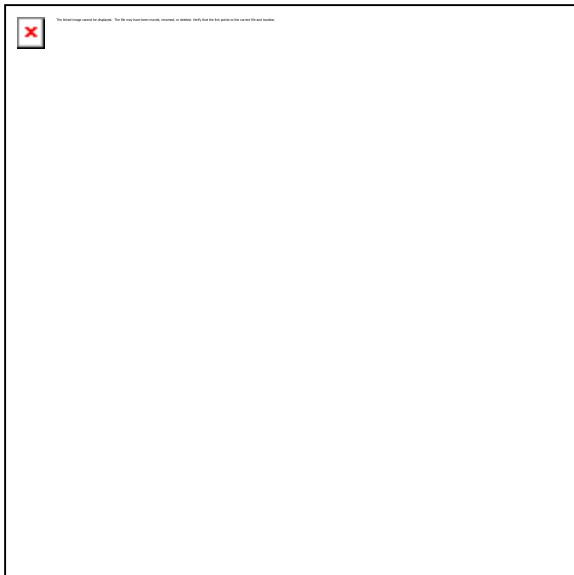


Figure 4. Buffer encroachment with non-contiguous increase

- (c) Outstanding Florida Waters, as listed in Section 62-302.700, F.A.C., shall have a minimum buffer of 200 feet.
- (d) For development activity between 35 and 150 feet from the break in slope at the top of the bank of any regulated creek, it is a rebuttable presumption that the development activity is detrimental to the regulated creek and is therefore prohibited unless approval is granted as set forth below.
- (e) Development plans for lots within 150 feet of any regulated creek shall demonstrate compliance with the following standards (standards (2) and (3) shall not be applied to residential single-family lots):
  - (1) The development will not introduce erosion and sediment pollution to the creek both during and after construction;
  - (2) The first one inch of runoff or appropriate water management district standards, whichever is greater, will either be retained or detained through filtration on the project site;
  - (3) There will be no net increase in the rate of runoff from the site;
  - (4) There is no threat to the stability of the creek bank;
  - (5) There will be no placement of buildings, structures, impervious surfaces, or sod that would require the removal of vegetation integral to the creek's ecological value. All invasive, non-native plant species listed in section 30-251(7)g. shall be removed prior to issuance of the certificate of occupancy. All plants listed on the Noxious Weed List, Section 5B-57.007, F.A.C., shall be removed prior to issuance of the certificate of occupancy. Native vegetation shall be installed and/or retained to protect surface water or wetland environmental features.
- (f) The development will not modify groundwater levels so as to have an adverse impact on the hydrological regime of a surface water or wetland. For the purposes of this provision, adverse impact is defined as a change that prevents the surface water or wetland from maintaining a structure and function equivalent to pre-development levels.
- (g) If a proposed development requires development plan review pursuant to Article VII of this Code, the showing of compliance with the requirements of the surface waters and wetlands sections of Article VIII shall be made in development plan review. The petition for development plan review shall provide both a hydrological report and construction plans prepared by a qualified engineer registered in the state.
- (h) If a proposed development does not require development plan review, a showing of compliance shall be certified by the city manager's designee prior to issuance of any building permit. To demonstrate compliance with the requirements concerning quality and control of erosion and sediment pollution, the development plan may employ the city's "General Criteria for Controlling Erosion and Sediment," in the design manual, or equivalent practices, rather than employing the more elaborate hydrological and soil reports used in development plan review. Compliance with the measures required by "General Criteria for Controlling Erosion and Sediment" shall be presumed sufficient to meet the standards in subsections 30-302(e)(1), (2) and (3). The development plan shall provide enough information to demonstrate compliance with the remaining standards, but need not ordinarily be prepared by a registered engineer. A professional land surveyor certified by the state shall provide the lot boundaries survey and topographical information.
- (i) On-site transfer of development intensity and density. In order to protect surface water features of a site, development intensity and density for building areas may be transferred from a lower to a higher elevation within the same property or adjacent property under the same ownership and zoning category. Intensity and density may be apportioned over the property by reserving the surface water and its buffer area as common open space. If all of the intensity and density is transferred to the adjacent property, the owner shall record a restriction in the chain of title of the transferor property, prior to issuance of a final development order, to restrict the use of the land in perpetuity to non-development uses, with such restrictions being expressly enforceable by the city.

- (j) The installation of new septic tanks is prohibited within 150 feet of the landward extent of a regulated lake or wetland, or within 150 feet from the break in slope at the top of the bank of a regulated creek.

### **Sec. 30-303. - Single-family lots.**

- (a) *Applicability of standards.* All development of single-family lots is to comply with the provisions of the surface waters and wetlands sections of this article. If a subdivision plat has satisfied the requirements of these sections, the city may issue a certification of compliance for some or all of the lots in the subdivision at one time. In that case the lots are subject to further compliance review at the time of issuance of a building permit, only for compliance with the construction measures required by General Criteria for Controlling Erosion and Sediment.
- (b) *Special permits.* In order to allow the reasonable development of a single-family dwelling and customary accessory structures and driveways on platted lots regulated by the surface waters and wetlands sections of this article, the board of adjustment may grant a special permit that allows exception from compliance with the minimum buffer requirements of these sections only to the extent necessary to accommodate such reasonable development. As part of the same proceedings, the board may also grant variances to the yard setbacks required by this chapter in order to facilitate compliance with these sections subject to a finding that such special permits will neither be injurious to adjacent property owners or the neighborhood nor detrimental to the public welfare.
  - (1) *Minimum requirement for special permits.* Special permits may be granted by the board of adjustment for single-family lots located within the 75-foot required minimum buffer for regulated lakes, or within the required average minimum buffer distance of 50 feet from the landward extent of any wetland or surface water, or within 150 feet of the break in slope at the top of bank of a regulated creek for lots which are lawfully created before April 12, 2004.
  - (2) *Criteria for granting of special permits.* The following criteria shall be used in deciding whether and to what extent a special permit should be granted:
    - a. The board of adjustment shall determine what is reasonable development of a single-family lot, accessory structures and drives and shall consider the following factors:
      - 1. The size of existing single-family dwellings in the immediate vicinity should serve as a guide to what is customary and reasonable for the property under review.
      - 2. No special permit shall be granted for the purpose of accommodating a swimming pool, tennis court, racquetball court or similar recreational structure, or to accommodate accessory uses that are not customary on single-family lots or exceed the customary size.
    - b. The board of adjustment shall consider features of the site, including its topography, the width of the creek bed, and the presence or absence of vegetation natural to the creek, lake or wetland, which indicate that a special permit would or would not further the goals of these sections.
    - c. The board of adjustment shall consider building code requirements, including building orientation requirements to meet energy efficiency standards that affect the design and/or orientation of structures on the lot.
    - d. The board of adjustment shall consider presence of trees eight inches or greater in diameter at a point 4½ feet above the ground level that can only be preserved if a special permit is granted.
  - (3) Furthermore, the board of adjustment shall consider staff reports as needed in reaching its decision. In granting a special permit the board shall establish measures to ensure that the goals of these sections are substantially met, in particular maintaining natural vegetation where feasible, preventing sedimentation loading to the creek, lake or wetland, maintaining the stability of the creek or lake bank, and preventing the degradation of the water quality of the creek, lake



or wetland. To achieve these aims, the board of adjustment shall attach such reasonable conditions and safeguards, such as construction control techniques and other mitigative measures, as it deems necessary.

- (c) *Special permit procedures.* Applications shall be processed in accordance with the requirements in article X of this chapter, relating to variances, established for the board of adjustment.