ZONING ORDINANCE

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ORDINANCE 83-2

ZONING ORDINANCE

WELAKA, FLORIDA

AN ORDINANCE AMENDING ORDINANCE NO. 69-1, OF THE TOWN OF WELAKA, FLORIDA, SAID ORDINANCE BEING ADOPTED JANUARY 7, 1969, BEING A COMPREHENSIVE ZONING REGULATION FOR THE TOWN OF WELAKA, FLORIDA, DIVIDING THE TOWN INTO DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF: REGULATING AND RESTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR, OR USE OF BUILDINGS STRUCTURES, ON LAND OR WATER: REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES: REGULATING AND RESTRICTING THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED: REGULATING AND RESTRICTING THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES: REGULATING AND RESTRICTING THE DENSITY OF POPULATION: REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND AND WATER FOR TRADE, INDUSTRY, RESIDENCE, AGRICULTURE, AND OTHER PURPOSES: DEFINING CERTAIN TERMS HEREIN USED: PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT OF THIS REGULATION: ESTABLISHING AND DEFINING THE POWERS AND DUTIES OF THE BOARD OF ZONING ADJUSTMENT SETTING A SCHEDULE OF FEES, CHARGES AND EXPENSES: SETTING PENALTIES FOR VIOLATION OF THESE ZONING REGULATIONS AND AUTHORIZING RESORT TO OTHER REMEDIES TO PREVENT OR ABATE VIOLATIONS: PROVIDING THAT THESE ZONING REGULATIONS SHALL SUPERSEDE ANY PREVIOUS ZONING ORDINANCE OR RESOLUTIONS PROVIDING A SEPARA BILITY CLAUSE AUTHORITY TO CODIFY, AND FOR OTHER PURPOSES.

WHEREAS, The Charter of the Town of Welaka, empowers the Town of Welaka, Florida to enact a zoning ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, The Town Council of the Town of Welaka, Florida, deems it necessary for the purpose of promoting the health, safety, morals and general welfare of the Town, to enact said Ordinance; and

WHEREAS, the Planning and Zoning Commission, pursuant to the provisions of general law, recommend the boundaries of the various zoning districts and appropriate regulations to be enforced herein; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality; and

WHEREAS, the Planning and Zoning Commission has made a thorough study of this Ordinance and held public hearings thereon and submitted its final report to the Town Council; and

WHEREAS, the Town Council has given due public notice of hearings relating to zoning districts, regulations and restrictions, and held such public hearings; and

WHEREAS, all requirements of the Charter of the Town of Welaka have been complied with;

NEW, THEREFORE, BE IT ORDAINED by the Town Council, Town of Welaka, Florida, as follows:

ARTICLE I

SHORT TITLE

This regulation shall be known and may be cited as "The Zoning Regulation of the Town of Welaka, Florida ".

ARTICLE II

DEFINITION OF TERMS USED IN THE REGULATIONS

For the purpose of this regulation, certain terms and words are defined as follows:

Words used in the present tense include the future. Words in the singular number include the plural. Words in the plural number include the singular. The words "used for" shall include the meaning "designed for". The word "building" includes the word "structure". The word "lot" includes the words "plot" and "tract". The word "shall" is mandatory and not directory.

1. Accessory Building and Uses. An unattached subordinate building or the use of which is incidental to the main use of the premises.

2. Access, Primary. A dedicated or recorded public road, land, place, alley, or easement affording perpetual ingress and egress from a subject property to a public thoroughfare, and not less than twenty feet (20') in width.

3. Advertising structure. Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed.

4. Alley. A public or private way which affords only secondary means of access to property abutting thereon.

5. Apartment Hotel. A building designed for or containing both apartments and individual guest rooms or suites or rooms and apartments, and which may furnish services ordinarily furnished by hotels, such as drug store, barber shop, cigar and news stands, when such uses are located entirely within the building with no entrance from the street nor visible from any sidewalk and having no sign or display visible from the outside of the building indicating the existence of such use.

6. Base Building Line. A line, measured at right angles, running parallel to the centerline of the street right-of-way from which all front yard, street side yard, and lot requirements of this regulation shall be measured. This line is the closest point to the street that a structure can be located.

7. Board of Adjustment. Also shall serve as Planning and Zoning Commission.

8. Building. Any structure designed or built above or below the ground for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

9. Building, Height of. The verticle distance from the grade in front of the building to the highest point of the coping of a flat roof or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

10. Carport. A building, enclosed on two sides or less and designed for the parking or storage of automobiles, trucks, vans, or private transportation vehicle.

11. Child Care Center. Child care center means any service which during all or part of the day regularly gives care to six or more children, not of common parentage, who are under six years of age, whether or not it has a stated educational purpose, and whether the service is known as a day care service, day nursery, day care agency, nursery school, kindergarten, play school, progressive school or by any other names. The total number of children receiving care shall be counted including children or foster children of the owner or person in charge, in determining the applicability of this definition.

12. A clinic is an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one physician or a group of physicians practicing their professions.

13. Club. Buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated for profit or to render a service which is customarily carries on as a business.

14. Convenience Retail Store. A retail store not exceeding 2400 square feet of gross floor space which provides necessary services for day-to-day operation of a household, including grocery stores, drug stores, cleaning establishments and convenience stores.

15. Court. An open space which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

16. Coverage. That percentage of the lot area covered by the main and accessory buildings.

17. District. Any section of a certain described area to which these regulations apply and within which the zoning regulations are uniform and a particular classification applys.

18. Dwelling. Any building or part thereof, occupied in whole or in part, as the residence or living quarters of one or more persons, permanently or temporarily, continuously or transiently, and having cooking and sanitary facilities.

19. Dwelling, Single Family. A building containing only one (1) dwelling unit. The term is not to be construed as including mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, houseboats, or other forms of temporary or portable housing. For the purposes of this zoning ordinance, rowhouses, townhouses, condominiums, cooperative apartments or any other form of dwelling units which are not in individual detached buildings meeting all the requirements of a single dwelling shall not be construed to be single family dwellings.

20. Dwelling, Two-Family (Duplex). A building designed for or occupied exclusively by two (2) families, with separate housekeeping and cooking for each.

21. Dwelling, Multiple. A building designed for or occupied exclusively by three or more families, with separate housekeeping and cooking and sanitation facilities for each.

22. Dwelling Unit. One or more rooms with principal kitchen facilities designed as a unit for occupancy by only one family for cooking, living and sleeping purposes.

23. Factory built Housing. A building conforming to the requirements of the City Building Code, comprised of one or more dwelling units or habitable rooms which is wholly manufactured in manufacturing facilities and bearing the insignia of compliance of the State of Florida.

24. Family. One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house or hotel and commune.

25. Filling Station. See Service Station.

26. Fish Camp. An establishment or premises with a waterfront location offering food, lodging, supplies or services for people engaged in boating, fishing or any other activity considered customary at a fish camp. Customary activities at a fish camp shall include the rental and monor repair of watercraft, the rental of cabins for a period of not more than thirty days, (Including mobile homes owned by that fish camp and located on the premises provided that such rental units shall not include mobile homes in the AE District), the sale of food in restaurant or snack bar facilities, the package sale of beer and wine, the rental of spaces for all types of recreational vehicles, with sewer and water connections, full hookups, provided a special exception is obtained under the provisions of this ordinance, the sale of bait, tackle, and the furnishing of fuel for watercraft.

27. Frontage:

    a. Street Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating), or if the street is deadended, then all of the property abutting on one side between an intersecting street and the deadend of the street.
    b. Lot frontage. The distance for which the front boundary line of the lot and the street frontage are coincident.

28. Garage, Private. An accessory building or a portion of a main building enclosed and designed for the parking or storage of automobiles of the occupants of the main building. A carport would not be considered a private garage.

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

30. Guest and servants quarters. Living quarters within a detached accessory building located on the same premises as the main building to be used exclusively for housing members of the family occupying the main building, and their non-paying guests; not to be rented or otherwise used as a separate dwelling.

31. Home Occupation. Any occupation or activity carried on by a member of the family residing on the premises, in connection with which there is no display that will indicate from the exterior that the building is being utilized in part for any purpose than that of a dwelling: in connection with which there is no construction, assembly, or activity an and no sign is used: there is no commodity sold upon the premises, no person employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except that which is normally used for purely domestic or household purposes. The use of the premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment is permitted, but the general practice of a profession shall not be permitted as a home occupation. Nursery schools, real estate and Insurance offices, barber and beauty shops are not permitted as home occupations.

32. Hotel. Any building containing principally sleeping rooms in which transient guests are lodged with or without meals, with no provision made for cooking in any individual room or suite. Such building would structurally and for purposes of safety, be obliged to conform to the laws of the State regulating hotels.

33. Junk Yard. An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, cloths, paper, rags, plumbing fixtures, rubber tires and bottles. A junk yard includes an automobile wrecking yard.

34. Kennel and Animal Grooming. A place where dogs, cats and other household pets are kept, sheltered, groomed and boarded for compensation.

35. Laundry, Self-Service. A business that provides home type washing, drying, and/or ironing machines for hire, to be used by customers on the premises.

36. Living Area. That area within any dwelling or dwelling unit made usable for human habitation with the following exceptions:

    1. Any utility room or storage space that is not within the principal structure.

    2. All Common Corridors, hallways, or exits provided for access or vertical travel between stories or apartments of multiple family' units.

    3. Garages.

37. Loading Space. A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks.

38. Lodging or Boarding House. A building other than a hotel where lodging or boarding for three (3) but not more than twenty (20) persons is provided for compensation pursuant to previous arrangements.

39. Lot. A parcel of land occupied or intended for occupancy by a use permitted by this ordinance including one(1) main building, together with its accessory buildings, the yard areas and parking spaces required by this ordinance and having its principal frontage upon a legally constituted access. A "Lot of Record" is a part of land subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of Putnam County, Florida.

40. Lot, Corner. A lot abutting upon two (2) or more streets at their intersection.

41. Lot, double frontage. A lot having a frontage on two (2) non-intersecting streets and distinguished from a corner lot.

42. Lot, Depth. The depth of a lot is the distance measured in a mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite rear line of the lot.

43. Marina. A facility for servicing, sales and rental of recreational watercraft including docking, launching, refueling, minor repairing dock storage and dry storage. A marina may include, as accessory uses, a restaurant or snack bar, and/or motel.

44. Mobile Home. Trailer (Mobile, House or Coach). Any unit used for business purpose or as an office, or for Living and sleeping purposes and which was originally constructed or designed as a portable structure or had a Motor Vehicle Title Certificate, or which is equipped with wheels or similar devises used for the purpose of transporting said unit from place to place whether by motive power or other means, bearing the insignia and approval of the State of Florida.

45. Mobile Home Park. Any tract, lot or parcel of land offered by any person firm, partnership or corporation which has been planned and improved for the renting or leasing of spaces for the exclusive placement of mobile homes for non-transient use and where unity of title is maintained.

46. Modular Home . A modular home is a detached single family dwelling unit that cannot be moved as a single unit and must be transported in sections of flatbed trailers. It has the appearance of a conventional home when erected. A modular home contains all of the facilities usually associated with a conventional home including , but not limited to plumbing, electrical connections, flush toilets, tub or shower bath, and kitchen facilities and meets the requirements of the Florida Factory built Housing Act.

47. Motel. A building or a group of buildings containing sleeping accomocations and in conjunction with which there may be a restaurant, or other retail uses when located on the same parcel with the main structure. A Motor Lodge, travel lodge or motor Inn shall be termed a motel for the purpose of this regulation.

48. New Car Sales. A business where new and used cars are displayed, sold, and serviced and where major repair work is done including body and engine repair.

49. Non-conforming Use. Any building or land lawfully occupied by a use at the time of passage of the ordinance or amendment thereto which does not conform after the passage of this ordinance or amendment thereto with the use regulations of the district in which it is situated. Existing improvements which do not meet required parking and loading regulations, height regulation, area regulations, and residential floor area regulations for the district in which they are located are not non-conforming uses as defined above.

50. Nursing and Convalescence Home. A home for the aged, chronically ill, or incurable persons, in which three or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

51. Adult Congregate Living Facility. (to differentiate from Nursing Home) Any institution, building or buildings, residence, private home, boarding home, home for the aged, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding 24 hours, one or more personal services for four or more adults, not related to the owner or administrator by blood or marriage, who require such services. "personal services" means services in addition housing and food service which include, but are not limited to: Personal assistance with bathing, dressing, ambulation, housekeeping, supervision, emotional security, and any other related service which the department may define. Personal service does not include medical service.

52. Open Space. That portion of a building site or lot not covered by the structure, parking, or access roads.

53. Parking Lot. An area, or plot of ground, used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a business, industrial, or residential use.

54. Pet, Household. Any domestic animal normally owned or kept as a pet including cats, dogs, rabbits, parrots, pigeons, and other animals deemed by the Codes Administrator to be appropriate as domestic pets: provided such animals are confined to the limits of the residential property occupied by the owner of such pets and do not constitute a public nuisance. Poultry, hoofed animals of any type, predatory animals or any animal which is normally raised to provide food for people shall not normally be considered to be household pets.

55. Planned Unit Development. A development of ten acres of land or more by a single owner for residential, commercial, industrial, and public or semi-public purposes according to a specific plan of development indicating specific locations for various land uses, open space, community facilities and internal traffic circulation system.

56. Service Station. Any building, structure, or land used for the dispensing, sale, or offering for sale, at retail of any automobile fuels, oils, or accessories and in connection with which is performed general automobile servicing as distinguished from automotive repairs.

57. Shopping Center. A group of retail stores or service establishments planned and developed as a unit.

58. Signs. Any device or display, consisting of letters, numbers, symbols pictures, illustrations, announcements, cut-Outs, insignia, trade marks or demonstrations, including all trim and borders, designed to advertis,inform, identify, or to attract the attention of persons not on the premises on which the device or display is located, and visible from any public way. A sign shall be construed to be a single display surface or device containing elements organized, related and composed to form a single unit.

59. Site Development Plan. An architectural or engineering drawing illustrating to scale the location of improvements on a tract of land. Such improvements to include street and building locations, drainage and utility locations, parking spaces, and other functional uses of the tract.

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

61. Street. A public, or private, right-of-way which affords the principal means of vehicular access to abutting property. A major street is primarily designed for through traffic or inter-city traffic and is designated on the zoning map.

62. Street Right-of Way Line. The dividing line between a lot, tract, or parcel of land and a contiguous street.

63. Structure. Anything constructed or erected, the use of which requires more or less, permanent location on the ground or attached to something having a permanent location on the ground and shall include tents, air conditioners, lunch wagons, dining cars, camp cars, or other structures on wheels or other supports and used for business or living purposes. Utility poles, fences and walls used as fences shall not be considered as structures for setback purposes under the conditions set forth herein.

64. Structural Alterations. Any substantial change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists.

65. Swimming Pool. A structure above or below ground level used for bathing or wading purposes and being over eighteen inches (18") deep and with a surface area of more than forty (40) square feet.

66. Townhouses. A building that has not less than four nor more than eight one-family dwelling units with each under single ownership erected in a row as a single structure on adjoining lots, each being separated from the adjoining unit or units by an approved party wall thus creating distinct and non communicating dwelling units. This definition shall also include "row house"

67. Travel and Recreation Vehicles A vehicular, portable structure, built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation purposes, which : (1) is identified on the unit by the manufacturer as a travel or camping trailer: (2) is not more than eight feet in body width; and (3) is of any weight provided its body length does not exceed thirty-five feet.

68. Used Car Sales Lot A lot or group of contiguous lots, used for the display and sale of used automobiles and where no repair work is done except the necessary washing, polishing of the cars to be displayed and sold on the premises.

69. Variance. A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to the conditions peculiar to the property , not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by a variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

70. Yard An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from' from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

71. Yard, Front, A yard extending across the front of alot between the side yard lines, and being the minimum horizontal distance between the street right-of-way line and the main building or any projections thereof other than the projections of uncovered balconies or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

72. Yard, Rear . A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear of any building or any projections thereof. The rear lot line on all corner lots , the rear yard shall be at the opposite end of the lot from the front yard.

73. Yard , Waterfront. A yard with one or more boundaries bordering water.

74. Yard, Side. A yard between any building and the side line of the lot, and extending from the front lot line to the rear yard and being the minimum horizontal distance between a side lot line and the side of any building or any projections therefrom.

75. Other. Uses not specifically defined by this ordinance may be added from time to time as needed and interpreted by the Planning and Zoning Commission.

GENERAL ZONING SPECIFICATIONS

TOWN OF WELAKA

FLORIDA

ZONE	USE	LOT AREA	LOT WIDTH	HEIGHT	LIVING AREA	DENSITY
SR 1 A	1 Family	10,000	100	35	1,300	
SR 1	1 Family	10,000	100	35	700	3/5 acre
MR 1	Multi-Family	20,000	200	35	400=950	3/5 acre
T C	Tourist Commercial					
G C- 1 G C -2	General Commercial	10,000		35		
AG	Agriculture					

ARTICLE III

DISTRICTS

1. Establishment of Districts. For the purpose of this regulation, the area of the Town of Welaka, Florida, is hereby divided into districts designated as follows:

SR - 1A	Single-Family Residential Dwelling District
SR - I	Single-Family Residential Dwelling District
MR - I	Multiple - Family Residential Dwelling District
TC	Tourist Commercial
GC - I	General Commercial District
GC - 2	
AG	Agriculture

2. Provision for Official Zoning Map. The boundaries and designations of the districts provided for herein are hereby established as shown on the map identified by the title "Official Zoning Map of the Town of Welaka, Florida., which map shall be further identified by the signatures of the Mayor of the Town and attested by the Town Clerk, and all explanatory matter thereon are hereby adopted and made a part of this ordinance. Such map shall be filed in the office of the Town Clerk and shall show thereon the number of this ordinance and date of adoption or amendments.

3. District Boundaries Defined. Unless otherwise specifically shown on the Official Zoning Map of the Town of Welaka, the boundaries of districts are lot lines, the centerlines of the streets or alleys or such lines extended, natural boundary lines such as natural or artificial water courses, the corporate limit lines as existed at the time of enactment or amendment of this ordinance.

   Questions concerning the exact location of district boundary lines shall be decided by the Board of Zoning Adjustment constituted as provided for in article X hereof.

ARTICLE IV

APPLICATION OF REGULATIONS

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

1. Use. No building or structure of land shall hereafter be used or occupied and no building or structure of part thereto shall be erected, constructed, reconstructed, moved or altered except in conformity with the regulations herein specified for the district in which it is located.

2. Height and Density. No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

   a. exceed the height limits;

   b. house a greater number of families or occupy a smaller lot area per family; or

   c. have a narrower or smaller front or side years than are herein required,

3. Lot Size and Occupancy. No lot, even though it may consist of one or more adjacent lots in the same ownership at the time of passage of this ordinance shall be reduced in size so that lot width or size of yards or lot area per family or any other requirements of this ordinance is not maintained. This section shall not apply when a portion of a lot is required for a public purpose.

4. Yards and Other Spaces. No part of a yard or other open space or the off-street parking or loading space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of the yard or off-street parking or loading space required for another building.

5. Limitation on Number of Principal Buildings on Lots in Residential Areas. Except as hereinafter provided, only one principal residential building or group of multi-family buildings may hereafter be erected on any lot.

6. Public Street Access. No building shall be erected on a lot which does not have legal access to a public street.

ARTICLE V

USE PROVISIONS

SR -IA SINGLE FAMILY DWELLING DISTRICT - RESIDENTIAL. Within the SR -IA Single-Family Residential District as shown on the official Zoning Map of the Town of Welaka, the following regulations shall apply.

1. A. Uses Permitted. Single-Family Dwellings.

B. Density Controls. The following yard, density and heights of building requirements shall be observed except as provided in Article VIII.

1. Minimum required lot area:	10,000 square feet
2. Minimum required lot width:	100 feet
3. Minimum required front yard:	25 feet
4. Minimum required rear yard:	20 feet
5. Minimum required side yard:	10 feet or 10% of the width whichever is greater.
6. Minimum required from waterfront.	25 feet
7. Minimum living area:	1,300 square feet
8. Maximum lot coverage:	35 percent
9. Maximum structure heights:	35 feet

C. Off-Street Parking. Required off-street parking spaces shall be provided as set forth in Article VI hereof.

D. Mobile Homes. No Mobile Homes shall be permitted in this district.

SR-I SINGLE FAMILY RESIDENTIAL DWELLING DISTRICT. Within an SR-I Single-Family Residential District as shown on the Official Zoning Map of the Town of Welaka, the following regulations shall apply:

A. Uses Permitted. Single-Family Dwellings.

B. Conditional uses permitted. When, after a review of an application, The Planning and Zoning Commission finds as a fact that the proposed use is consistent with the General Development Plan of the Town of Welaka, the following uses may be permitted:

1. Farming not involved with livestock.

2. Playgrounds

3. Golf Courses

4. Family Disaster Shelters

5. Recreation Areas

6. Public Utility Structures

7. Churches

8. Public and Private schools

9. Libraries

10. Hospitals

11. Sanatoriums

12. Institutions of public interest type

13. Community Disaster Shelters

14. Home Occupations

15. Nursing or convalescent homes.

C. Density Controls. The Following yard, density and height of building requirements shall be observed except as provided in Article VIII.

1.	Minimum required lot area:	10,000 square feet
2.	Minimum required lot width:	100 feet
3.	Minimum required front yard:	25 feet
4.	Minimum required rear yard:	20 feet
5.	Minimum required side yard:	7.5 feet
6.	Minimum required living area:	700 square feet
7.	Maximum lot coverage:	40 percent
8.	Maximum structure height:	35 feet

D. Off-street parking. Required off-street parking spaces shall be provided as set forth in Article VI hereof.

E. Mobile Homes Mobile Homes shall be permitted in this district, and must be suitably skirted all around base; must be tied down and connected to approved sanitary and utility systems in accordance with applicable laws and regulation.

MR-I MULTIPLE FAMILY RESIDENTIAL DWELLING DISTRICT. Within an MR-I Multiple-Family Residential Dwelling District as shown on the Official Zoning Map of the Town of Welaka; the following regulations shall apply:

A. Uses permitted. Land and structures shall be used only for the following purposes:

1. Single family dwellings

2. Duplexes and townhouses

3. Multiple family dwellings

B. Conditional Uses Permitted. Then, after review of an application and plans appurtenant thereto, the Planning and Zoning Commission finds as a fact that the following proposed use or uses are consistent with the general zoning and other appurtenant municipal ordinances and with the public interest, the Planning and Zoning Commission is hereby authorized to approve special permits for the following uses as permitted uses in the MR - 1 District.

1. See Article V, (SR -1, Section B.

Conditional Uses Permitted

2. Cemeteries

C. Approval of Site Development Plan

1. No building or struc ture, or part thereof, shall be erected, altered or used, or land or water used nor shall any building permit or or certificate of occupancy be issued therefor, unless and until a Site Development Plan for such building, structure or use shall have been approved as provided therein.

D. Density Controls. The following yard, density, and height of buildings requirements shall be observed except as proveded in Article VIII.

1. For single family dwellings, the Density Controls in the SR-1 Single family Residential Dwelling District shall be applicable.

2. For Two-family dwellings:

a.	Minimum required lot area	10,000 square feet
b.	Minimum required lot width:	100 feet
c.	Minimum required front yard:	25 feet
d.	Minimum required rear yard:	20 feet
e.	Minimum required side yard:	7.5 or 10%
f.	Minimum required from waterfront	25 feet
g.	Minimum required living area:	700 sq. ft. per family
h.	Maximum lot coverage:	35 percent
I.	Maximum structure height	35 feet

3. For Multiple-family dwellings:

a. Minimum required lot area shall be 20,000 square feet for the first two dwelling units and 5,000 square feet for each additional unit that is added.

b.	Minimum required lot width:	200 ft.
c.	Minimum front yard:	30 feet

d. Minimum required rear yard shall be 20 feet for the first two stories. For each story in excess of two the required rear yards shall be increased by five (5) feet for each story so added.

e. Minimum required side yard on each side of the structure shall not be less than 10 feet for the first story and 20 feet for a two story structure. For each story in excess of 2, the required side yard shall be increased by 5 feet for each story so added.

f. Minimum required living area:

aa.	Efficiency apartment	400 sq. ft.
bb.	one bedroom apartment	700 sq. ft.
cc.	two bedroom apartment	800 sq. ft.
dd.	Three or more bedrm apartment	950 sq. ft.

g.	Maximum lot coverage:	40 percent
h.	Minimum open space required exclusive of parking area:	30% of site area.
i.	Maximum structure height:	35 feet

E. Off-Street Parking
Required off-street parking spaces shall be proveded as set forth in Article VI hereof.

F. Mobile Homes: No Mobile Homes shall be permitted in this District.

4. GENERAL COMMERCIAL C-1

Zoning map to be changed to show commercial areas as:

C-1 200 feet on east side of SR-309 from northern city limits to Aquarium, excepting the two blocks zoned C-2.

200 feet on west side of SR-309 from northern city limits to McClure Street, excepting the two blocks zoned C-2.

200 feet on either side of Elm Street from St. Johns River to eastern city limits, excepting four blocks at intersection of Elm Street and Third Avenue (SR-309) zoned C-2.

C-2 Entire four blocks at intersection of Elm Street and Third Avenue (SR-309).

(Note: If residents in the area of Seventh Avenue and Elm Street wish to incorporate a C-2 zone in that area, the Planning Commission is agreeable).

C-1 USES PERMITTED.

Land and structures shall be used only for the following purposes:

1. Single family dwelling
2. Multiple family residential uses conforming to the requirements of the MR-1 district.
3. Art Museums
4. Bakeries where all goods are sold on the premises at retail.
5. Drug Stores
6. Electrical appliance sale and repair
7. Florist shops and greenhouses for retail trade only.
8. Funeral homes
9. Grocery, fruit or vegetable stores.
10. Hotels and motels
11. Indoor theaters and auditoriums
12. Laundromats and launderettes
13. Meat markets and poultry stores if no slaughter or stripping involved.
14. Municipal buildings including city hall, libraries and fire stations excluding garages, maintenance shops , jails and correctional institutions.
15. Offices
16. Photographers' or artists' studios.
17. Professional offices
18. Radio and television sales and services shops.
19. Radio and televisions broadcasting studios
20. Signs conforming to the requirements of the Town's sign Ordinance.
21. Tailor and dressmaking shops.
22. Telephone exchange buildings

C-1, Uses permitted, cont'd.

23. Temporary building incidental only to construction of a permitted use.

24. Restaurants, except drive-in and fast food restaurants.

CONDITIONAL USES PERMITTED:

When after review of an application and plan appurtenant thereto, the Planning and Zoning Commission finds as a fact that the following proposed use or uses are consistent with the general zoning and other appurtenant municipal Ordinances and with the public interest, the Planning and Zoning Commission is hereby authorized to approve special permits for the following uses as permitted in the C-1 District:

1. Shopping Centers

2. Banks

C-2 USES PERMITTED

Land and structures shall be used only for the following purposes:

1. Athletic Clubs and health studios.

2. Self-service and coin operated car wash establishments where no gasoline or service is provided.

3. Bowling alleys

4. Business, music, dance, or commercial schools.

5. Dry cleaning plants only using automatic self-contained cleaning machines with a capacity of 40 pounds or less per load and using nnon-inflammable toxic dry cleaning solvents.

6. Pet shops or animal hospitals when conducted wholly within the enclosed building, provided no boarding facilities are provided.

7. Drive-in and fast food restaurants.

8. Retail sale of alcoholic beverages for consumption off the premises.

9. Any uses permitted in C-1 zone.

CONDITIONAL USES PERMITTED IN C-2:

When, after review of an application and plan appurtenant thereto, the Planning and Zoning Commission finds as a fact that the following proposed use or uses are consistent with the general zoning and other appurtenant municipal ordinances and with the public interest, the Planning and Zoning Commission is hereby authorized to approve special permits for the following uses as permitted uses in the C-2 District.

1. Gasoline service stations

2. Automotive, new and used, sales and service

3. Drive-in Theaters.

4. Automotive body, repair and paint shops.

5. Sale of Alcoholic beverages for consumption on the premises.

C. Approval of Development Plan

No building or structure, or part thereof, shall be erected, altered or used, or land or water used no shall any building permit or certificate of occupancy be issued therefore, unless a development Plan for such building, structure or use shall have been approved as provided herein.'

D. Density Controls

The following yard, density and height of building requirements shall be observed.

1.	Minimum required lot area:	10,000 feet
2.	Minimum required lot width:	None
3.	Minimum required front yard:	25 feet
4.	Minimum required rear yard:	15 feet
5.	Minimum required side yard:	10 feet
6.	Maximum lot coverage:	50 percent
7.	Maximum structure height	35 feet with sprinkler system

E. Off-Street Parking

Required off-street parking spaces shall be provided as set forth in Section VI hereof.

F. Mobile Homes

Mobile homes shall be permitted in this district.

TC Tourist Commercial

A. Uses Permitted. Land and structures shall be used for the following purposes.

1. Fish camps and marinas
2. Motels and Hotels
3. Restaurants, including drive-in restaurant.
4. Gift, novelty and curio shops and similar uses. catering to tourist trade.
5. Travel trailer parks and camp grounds.

B. Conditional Uses Permitted.

1. Any retail or service use which can be shown to be primarily service oriented to automobile uses, tourist accommodations and supporting facilities.

2. An establishment of facility for the retail sale and service of all alcoholic beverages for consumption either on-premises or off-premises or both.

3. Mobile home for the occupancy of the owner or employee of permitted principal use.

C. Accessory Uses and Structures Permitted. On the same premises and in connection with permitted uses and structures, a single-family dwelling unit for occupancy by an owner or employee thereof. Said single family dwelling unit may be attached or detached from the principal permitted use.

D. Density Controls. The following yard, density and height of building requirements shall be observed:

1. Minimum required lot area	10,000 square feet
2. Minimum required lot width	100 feet
3. Minimum required front yard	50 feet
4. Minimum required rear yard	15 feet
5. Minimum required side yard	15 feet
6. Maximum lot coverage	50 percent
7. Maximum structure height	35 feet

E. Off Street Parking. Required off-street parking spaces shall be provided as set forth in section IV, hereof.

AG AGRICULTURAL DISTRICT. This district is intended to apply to areas which are sparsely developed. It includes uses normally found in rural areas away from urban activity. It is intended that substantial residential, commercial, or industrial development shall not be permitted in the AG district, but lands in such district may be rezoned to the proper district to accommodate such uses when conditions warrant rezoning.

A. Permitted Uses and Structures.

a. Agricultural, horticultural and forestry uses, including the keeping and raising of farm animals and poultry.

b. Single-family residences.

c. Roadside stands where the major portion of products offered for sale is grown on the premises.

AG Permitted Uses, Cont'd.

d. Dude ranch, riding academy, or public stable, day camps, private camps, (including church camps), country clubs, private clubs , golf courses, parks, camping grounds and recreational areas, playgrounds, playfields and government structures.

e. Game preserves, wildlife management areas, fish hatcheries and refuges, water reservoirs, control structures and wells.

f. Churches, monasteries, convents, temporary revival establishments, cemeteries, columbariums and mausoleums.

g. Schools, colleges, and universities with conventional academic curricula.

h. Airports

I. Home occupations, day nurseries and kindergartens.

Permissible Uses by Special Exception.

a. Sawmills, borrow pits, railroad yards.

b. Radio or television broadcasting offices, studios, transmitters, antennas, line-of-sight relay devices.

c. Garbage dumps and sanitary landfills, provided state and county health requirements are met.

d. Race tracks for vehicles or animals.

e. Animal hospitals, veterinary clinics, animal boarding places, fur farms, dog kennels, provided no structure for the housing of animals shall be located within 200 feet of any residence of different ownership.

ARTICLE VI

OFF-STREET PARKING AND LOADING REGULATIONS

The following off-street parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building use.

1. DEFINITION OF OFF STREET PARKING AND LOADING SPACE. For the purpose of this regulation, the term "off-street parking space" shall consist of a minimum net area of two hundred (200) square feet, exclusive of access drives and aisles, of appropriate dimensions for the parking of an automobile and an "off-street loading space shall consist of a minimum net area of five hundred (500) square feet, exclusive of access drives and aisles. Paving shall be required for commercial only, except churches and Women's Club. All required off-street parking facilities shall be drained so as not to cause any nuisance to adjacent private or public property. A certificate of Compliance for the given structure or premises shall be prohibited until the required parking area has been improved, inspected, and approved.

2. OFF STREET PARKING REQUIREMENTS. There shall be provided; at the time of the erection of any main building or structure, or at the time any main building or structure is enlarged or increases in capacity by adding dwelling units, guest rooms, floor area or seats; minimum off-street automobile parking space with adequate provisions for ingress and egress by an automobile of standard size in accordance with the following requirements;

   1. Single Family Dwelling Structures: a minimum of two spaces for each, dwelling unit.

   2. Multiple family dwelling structures: Two spaces for each dwelling unit plus adequate storage space for boats and accessory vehicles.

   3. Churches, temples, or places of worship: one space for each four seats in the main auditorium.

   4. Commercial, manufacturing, and industrial concerns not catering to the retail trade: one space for each two employees on the largest working shift, plus one space for each company vehicle operating from the premises.

5. Country, golf, gun club: one space for each five members.

6. General business, commercial or personal service establishments: one space for each two hundred) 200) square feet of non-storage floor area.

7. Hotels: One space for each two bedrooms plus one additional space for each two employees.

8. Hospitals, sanitariums, convalescent, and nursing homes: one space for each four patient beds, one space for each two staff doctors and one space for each two employees on the largest shift.

9. Kennels and animal hospitals: a parking area equal to thirty percent of the total enclosed or covered area, plus one space for each two employees.

10. Libraries , museums: a parking area equal to fifty percent of the floor area open to the public.

11. Medical or dental offices or clinics: six spaces for each doctor or dentist plus one space for each two additional employees.

12. Motels: one space for each guest bedroom, plus one space for resident manager or owner.

13. Office and public buildings: seven spaces for each 1,000 square feet of floor area used for office purposes.

14. Private club or lodge: one space for each five members.

15. Restaurants of other eating and drinking places: a minimum of ten spaces plus one space for each 100 square feet of floor area devoted to patron use, plus one space for each two employees on the largest shift.

16. Room, boarding houses: one space for each living unit.

17. Schools: one space for two employees plus one space for each three students of driving age.

18. Shopping centers and super markets: ten spaces for each 1,000 square feet of retail floor area.

19. Theatres, auditoriums, places of assembly: one space for each four seats.

20. Bowling alleys: five spaces for each bowling lane

21. Student housing: one space for every two sleeping accommodations for students of driving age.

22. Mixed uses: in the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately and off-street parking space for one use shall not be considered as providing the required off-street parking for any other use; except that in the case that mixed users are not operated or patronized at the same time such users may utilize each others parking spaces upon obtaining approval of the Planning and Zoning Commission.

23. All other uses: parking requirements for uses not listed in this section shall be determined by the Planning and Zoning Commission.

3. LOCATION OF OFF-STREET PARKING SPACES.

1, Parking spaces for all dwellings shall be located on the same plot or adjacent to the main building to be served.

2. Parking spaces for other uses shall be provided on the same lot or not more than five hundred (500) feet distant, as measured along the nearest pedestrian walkway.

3. Parking requirements for two or more uses, of the same or different types, may be satisfied by the allocation of the required number of spaces of each use in a common parking facility.

4. OFF-STREET LOADING REQUIREMENTS The following spaces shall be provided for the uses indicated.

1. Every hospital, institution, hotel, commercial or industrial building or similar use, requiring the receipt or distribution by vehicle of materials or merchandise, shall have sufficient permanently maintained off-street loading space so as not to hinder the freemovement of vehicles and pedestrians over the street or sidewalk.

2. All structures requiring the pick-up of large quantities of garbage or trash shall provide an easily accessible area of the pick-up and delivery of a dumpster or other trash receptacle.

5. PERMANENT RESERVATION Area reserved for off-street parking or loading, in accordance with the requirements of this section, shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified: except, where equivalent parking or loading is provided to the satisfaction of the Planning and Zoning Commission.

6. RESTRICTIONS ON PARKING OF CERTAIN VEHICLES Certain vehicles subject to the following license classifications, as set out by the Florida Dept. of Transportation, shall not be parked in off-street parking areas, access to highways thereto, or on any residential district except as may be required for service at dwellings, or at structures or activities permitted or permissible in such residential districts by the terms of this Zoning regulation.

CV Series	(Tractors and Trucks for Commercial use over 5,000 pounds)'
GW Series	(Motor vehicles, trailers and semi-trailers equipped with machinery and designed for exclusive use in the nature of well drilling, excavation, construction, spraying and like purposes.)
K Series	(School buses, commercial wreckers, hearses, excepting ambulances.)
S Series	(Nine persons and over passenger vehicles)
P.Series	(Trucks used for agricultural purposes).

ARTICLE VII

GENERAL REGULATION PROVISIONS

1. NON-CONFORMING USES OF STRUCTURES AND LAND WITHIN THE DISTRICT.

Existing lots, structures and uses of land and structures which were lawful before this regulation was passed or amended, but which are prohibited, regulated or restricted under the terms of this regulation or future amendment, are permitted to continue until they are removed. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs or by addition of other uses of a nature which would be prohibited in the district involved.

1. Non-conforming lots of record.

Where a lot of record exists which was platted and recorded in the Office of the Clerk of the Circuit Court of Putnam County prior to the time of adoption of this regulation, and said lot does not conform to the lot area or width requirements for the district in which it is located, said lot may be used for any use permitted in district provided all other density control requirements are met.

B

2. NON-CONFORMING USES OF LAND

Non-conforming properties shall be allowed to continue in their present usage at the time of Council's acceptance of this ordinance until one of the following conditions occur:

1. Property changes ownership

2. Destruction of 50 percent or more by fire or natural disaster.

3. Renovation or additions of more than 50 percent to existing structures.

If any of the above events occur, use of property shall be governed by provisions of current zoning ordinance.

C

3. NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this regulation that could not be built under the terms of this regulation by restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. Such structure shall not be enlarged or altered in a way which increases it's non-conformity.

b. Should such structure be destroyed by any means to an extent of sixty percent or more it its tax assessed value at time of destruction, it shall not be reconstructed exeept in conformity with the provisions of this regulation.

c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D

4. NON-CONFORMING USES OF STRUCTURES.

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adopting or amendment of this regulation, that would not be allowed in the district under the terms of the regulation, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. No existing structure devoted to a use not permitted by this regulation in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

b. Any structure, or structure and land in combination, in or on which a a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulation for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.

c. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six months, the structure or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

d. Where non-conforming uses status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

E

5. REPAIRS AND MAINTENANCE. Nothing in this regulation shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof except as provided in (3) B. above.

F

6. LOCATION OF ACCESSORY BUILDINGS AND USES When an accessory building is attached to a main structure by a breezeway, passage or otherwise, it shall maintain the same yard requirements of the main building.

2. A detached accessory building shall not be closer than six feet to the main building or other accessory building on the same lot and shall not be closer than four feet to the side and rear lot lines.

3. No detached accessory building or use shall be located in the required front yard or side yard when that side yard is adjacent to a street.

3. DISASTER SHELTERS

1. Disaster shelters for unlimited occupancy are permitted as a principal or accessory structure in any business or industrial district.

2. Fallout shelters operated by a local, state or Federal governmental agency may be located in any district.

3. Above ground shelters intended for occupancy by not more than two families is permitted in any district as an accessory structure subject to the requirements of Section 2 hereof.

4. Underground shelters intended for occupancy by more than two families is permitted at any location in any yard notwithstanding other provisions of this ordinance provided the structure or its over burden does not exceed thirty inches above the natural grade of the yard.

5. Disaster shelters intended for occupancy by more than two families may be permitted as Conditional Uses in accordance with Section 3 hereof, in cases where such use would not be damaging or injurious to surrounding land use.

6. Nothing in this ordinance shall be construed to prohibit the multiple use of a disaster shelter with other permitted uses of the district in which it is located.

4. YARDS

1. Projecting architectural features. The space in any required yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, eaves, and other architectural features provided that such features shall not project more than three feet into any required yard.

2. Porches Any porch or carport having a roof shall be considered a part of the building for the determination of the size of yard or lot coverage.

3. Terraces. A paved terrace shall not be considered in the determination of yard sizes or lot coverage provided that such terrace is unroofed. Such terrace, however, shall not project into any yard to a point closer than two feet from the lot line.

4. Front yards. Front yards required in business districts may contain pump islands of service stations provided such pump islands are a minimum of 20 feet from all front property lines.

5. Rear yards. Rear yards may contain accessory buildings provided such buildings comply with Section 2 hereof.

6. Corner lots. Corner lots in residence districts have two front yards. Houses whose fronts are oriented parallel to a street shall maintain required front yard on such street. The front yard on the remaining street may be ten feet less than the normal front yard required provided it is not less than fifteen feet to the nearest point on the street line.

7. Water Front Lots. Water front lots structures must be at least 25 feet from the mean high water line.

5. HEIGHT MODIFICATION

1. The height limitations of this regulation shall not apply to church spires, barns, silos, monuments, missiles, flag poles, antennae, and domes not used for human occupancy, nor to chimneys, water tanks, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and shall not exceed in cross-sectional area 20 percent of the ground floor area of the building.

2. Obstruction marking and lighting. All obstructions as defined by the Civil Aeronautics Board publication "Obstruction Marking and Lighting" shall be marked and lighted as specified by said publication at the owner's expense.

6. CORNER VISIBILITY. On a corner lot in any residence district no fence, wall hedge, structure, or planting, or other obstruction to vision between the heights of two and one half feet and fifteen feet above street level shall be erected, placed, or maintained within the triangular area formed by the intersection street lines and a straight line joining said street lines at points which are thirty feet distant from the point of intersection measured along said street lines.

7. BUFFER AREAS. Whenever a commercial or multiple family use abuts a residentially zoned area, the commercial use or multiple family use shall provide and maintain an appropriate sight proof fence for noise and objectionable uses and conditions.

8. CURB BREAKS. The number of curb breaks for all comercial and industrial uses shall not exceed one for each 100 feet of street frontage, or fraction thereof each having a maximum width of not more than 50 feet and located not closer than 20 feet to the street right of way intersection. Two curb breaks along the same street shall be separated by a minimum of 10 feet and no curb breaks shall be located between the point of tangent on the curve of an intersection.

9. NEW AND USED CAR AND BOAT SALES LOT.

1. All parking area for display and sale shall be provided with a pavement having an asphaltic or portland cement binder and shall be so graded and drained as to dispose of all surface water accumulation.

2. Turnouts shall be as required to insure safe ingress and egress.

3. All structures shall meet the setback requirements of the district in which located.

4. Vehicles for display and sale shall maintain the setbacks established for structures in the district in which located.

10. UTILITY POLES, FENCES AND WALLS USED AS FENCES.

1. Utility poles as required by Public Utility Companies shall not be required to meet the setback requirements for structures.

2. On residentially zoned property, fences and walls used as fences be erected or maintained along or adjacent to a lot line to a height not exceeding six feet, provided such fences or walls comply with regulations set forth in Section 6 of this Article.

11. ESSENTIAL SERVICES. Essential services are permitted in any zoning district. Essential services are hereby defined as and are limited to certain installation of water, sewer, gas, telephone or electrical systems such as substations, and similar installations; provided, however, (1) that this subsection shall not be deemed to permit the location in a district of such installations as' electric or gas generating plants, sewage treatment plants, water pumping or aeration facilities from which they would otherwise be prohibited, unless such facilities serve a subdivision recorded before the effective date of this Zoning Regulation, or intended to serve a subdivision approved under subdivision regulations in effect after the effective date of this Zoning Regulation, or a part of an internal package system designed and intended to serve a single industrial or commercial use of complex;
(2) that this sub-section shall not be deemed to permit the erection of structures for commercial activities such as sales of related merchandise or collection of bills in districts from which such activities would otherwise be prohibited.

SIGNS

12. The purpose of this section is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, to reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, to provide more open space, to curb the deterioration of the natural environment and to enhance community development.

Signs, cont'd

a. Construction Requirements.

All signs of similar advertising matter shall be governed in their construction or erection and maintenance by applicable local codes, and no sign or similar advertising media shall be erected without a permit.

b. Governmental Signs Excluded

For the purpose of these regulations "sign" does not include signs erected and maintained pursuant to and in discharge of any Government function, or required by any law, ordinance or governmental regulation.

c. General Requirements for all signs and districts.

The regulations contained in this section shall apply to all signs and all use districts:

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk or adjacent premises, so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

2. No sign shall employ any parts of elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (1) and (2) of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services.

3. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated sign shall be in accordance with the provisions of the local electric code in effect.

4. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel or motel marquee.

5. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.

6. No temporary sign shall be placed on the front or face of a building or on any premises, except as expressly provided in this code.

7. No sign or part thereof shall contain or consist of banners, posters pennants, ribbons, streamers, spinners or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention.

8. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 20 percent of the window surface.

9. No sign of any classification shall be installed, erected or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape.

10. All signs hung and erected shall be plainly marked with the name of the person, firm, or corporation responsible for maintaining the sign.

11. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign.

12. No sign shall be placed in any public right-of-way, except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking or indicating private, but bearing no advertising matter, shall be permitted on any property.

D. Measurement of Sign Area

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

e. Signs Permitted in All Districts and not requiring a Permit .

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, not exceeding 12 square feet in area, except in all residential districts, the area of the sign shall not be more than six (6) square feet.

2. Professional name plates not exceeding four square feet in area.

3. Signs denoting the name and address of the occupants of the premises, not exceeding 2 square feet.in area.

f. Signs permitted in Any District But Requiring Permits

1. Signs or bulletin boards, customarily incidental to places of worship, libraries, museums, social clubs or societies, located on the premises of such instution, not exceeding fifteen (15) sq. feet in area.

2. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential not to exceed twelve square feet in area and advertising only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

g. Signs Permitted in Commercial and Manufacturing Districts requiring a permit.

The regulation set forth in this section shall apply to signs in all commercial and manufacturing districts, and such signs shall require a permit.

1. In a commercial or manufacturing district, each business shall be permitted one flat or wall, on-premises sign. Projection of wall signs shall not exceed two feet, measured from the face of the main building. Permanent on-premises signs for any single business enterprise may have an area equivalent to one and one-half square feet of sign area for each lineal foot of building width or part of a building occupied by sich enterprise, but shall not exceed a maximum area of 100 square feet.

2. In a commercial or manufacturing district, two off premises signs with a total area not exceeding 600 square feet may be permitted at a single location. No single off-premises sign shall exceed on thousand two hundred (1,200) sq. ft., nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than 200 ft. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than 20 feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.

h. Temporary Signs

Temporary signs, not exceeding 50 square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors, may be erected for a period of 60 days plus the contruction period. Such temporary signs shall conform to the general and setback requirements as set forth

in these regulations and, in addition, shall meet such other requirement as may be set by the Zoning Administrator to accomplish the intent of this section.

I Free Standing Signs

Free-standing on-premises signs, not over 30 ft.in height, having a maximum total sign area of one hundred square feet per display area and located not closer than 10 feet from any street right-of-way line and not closer than 30 feet from any adjoining lot line, may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

j. Wall Signs Pertaining to Nonconforming Uses

On-premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed 12 ft.

k. Political Signs

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way , nor shall any such sign be posted on a utility pole. No political sign shall be posted more than 60 days before an election. All candidates for public office, their campaign committees or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following election day.

l. Sign Setback Requirements

Except as modified in this section, on=premises signs, where permitted, shall be set back from the established right-of-way of any thoroughfare at least ten (10) feet. No off-premises signs shall be erected in front of the required set-back line for the appropriate zoning district.

1. Increased Setback For every square foot by which any on-premises sign exceeds 50 sq. feet, the setback shall be increased by 1/2 foot, but need not exceed one hundred feet.

2. Setbacks for Off-Premises Signs. If a setback line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of 20 feet from the right-of-way line.

3. Setbacks for Public and Quasi-Public Signs. All types of signs and bulletin boards for a church, school or any other public, religious or Educational institution may be erected not less than 10 feet from the established right-of=way line of any street or highway provided such sign or bulletin board complies with the clear sight triangle, as defined.

4. Special Yard Provisions. On-Premises signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which they are located, except that in any residential district, on-premises signs shall not be erected or placed within 12 feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than 12 feet, the latter shall apply.

m. Limitations

For the purposes of this ordinance, billboards and other outdoor advertising off-premises signs shall be classified as a business use for manufacturing or business. No off-premises signs shall be permitted in other zoning districts. All billboards and other types of off-premises large advertising signs shall comply with all applicable federal and state laws.

UTILITY STRUCTURES

Structures or uses required for public utilities such as gas, water, electric, sewage or telephone can be located within any district upon recommendation of the Planning Commission and approval of the governing Body.

14. GENERAL PROVISIONS AND EXCEPTIONS.

1. Rules for Determining Boundaries.

Where uncertainty exists with respect to the boundaries of any of the regular and overlay districts, as shown on the Zoning Map, the following rules shall apply:

a. Unless otherwise indicated, the district boundaries are indicated as approximately following property lines; land lot lines; center lines of street, highways, alleys or railroads; shorelines of streams, reservoirs or other bodies of water; or civil boundaries; and they shall be construed to follow such lines.

b. Where district boundaries are approximately parallel to the center lines of streets, highways or railroads; streams, reservoirs or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on t the Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Map.

C. Where a district boundary line, as appearing on the Zoning Map, divides a lot which is in single ownership at the time of enactment the use classification of the large portion may be extended to the remainder of the property by the Zoning Board of Adjustment without recourse to the amendment procedure.

d. Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.

e. In case the exact location of a boundary cannot be determined by the foregoing methods, the Board of Adjustment shall, upon application, determine the location of the boundary.

2. General REstrictions Upon Land, Buildings and Structures ..

a. Use

No building or structure shall be erected, and no existing building shall be moved, altered, addedto or enlarged, nor shall any land, building, structure or premises be used, designed.or intended to be used for any purpose or in any manner other than a use designated in this code, as allowed in the district in which such land, building, structure or premises are located.

ARTICLE VIII

SUPPLEMENTARY REGULATIONS

I. Planned Unit Development District. It is the intent of this provision to:

a. Encourage the development of large tracts of land as planned neighborhoods or communities:

b. Encourage flexible and creative concepts of site planning;

c. Preserve the natural amenities of the land by encouraging scenic and functional open areas within residential areas;

d. Accomplish a more desirable environment than would be possible through the strict application of minimum requirements of the Ordinance.

e. Provide for an effecient use of land resulting in smaller networks of utilities and streets and thereby lower development and housing costs

f. Provide an environment of stable character compatible with surrounding residential area.

a. Permitted Uses. Within the planned unit development, a variety of land uses may be permitted in an orderly relation to one another and to existing land uses, with due regard to the comprehensive planning policies of the Town of Welaka. The uses permitted within a planned unit development include the following:

1. Single-family dwellings, detached.

2. 2. Single-family attached dwellings:

3. Townhouses and cluster housing;

4. Multi-family dwellings, including high-rise apartment buildings;

5. Churches, schools community or club buildings, and similar public or semi=public facilities; golf and country clubs.

6. Commercial or retail uses, including offices and clinics, provided that they meet the following criteria:

a. the location is appropriate in relation to other land uses.

b. The proposed commercial or office uses reflect the need for commercial and/or office needs according to the Town of Welaka's general development plan.

B. REQUIREMENTS AND STANDARDS FOR APPROVAL:

1. A parcel which is proposed for a Planned Unit Development must contain a minimum area of 10 contiguous acres in single ownership or control.

2. The Town of Welaka Planning and Zoning Commission and the Town of Welaka Council shall consider the following in their review of the proposed development plan"

a. Adherence to the Town of Welaka planning policies and Long Range Development Plan

b. The proper relation between the proposed development and surrounding uses, and the effect of the plan upon comprehensive planning for the Town of Welaka.

c. The adequacy of existing and proposed streets utilities, and other public services to serve the development;

d. The character, design and appropriations of the proposed land uses and their adequacy to encourage desirable living conditions, to provide separations and screening between uses where desirable, to preserve the natural amenities of the land.

3. Approval and recommendation of the Planning and Zoning Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed Planned Unit Development will not adversely affect the property adjacent to the area included in the Plan.

4. Final approval of the Planned Unit Development shall not be granted until the owner or owners of the property give written notice of their consent to the proposed development.

C. REVIEW AND APPROVAL PROCEDURES:

1. Pre-Application Conference: Prior to filing of a formal application as a planned unit development, the applicant is required to confer with the Planning and Zoning Commission in order to review the general character of the plan (on a basis of a tentative land use sketch if available), and to obtain information on projected programs.

2. Development Plan

a. After the Pre-Application Conference, the applicant shall file a petition with the Planning and Zoning Commission for the approval of Planned Unit Development. This application shall be supported by a development plan and a written summary of intent and shall show the relation between the proposed development, and the surrounding area, both existing and proposed. This supportive material shall be submitted to the Planning and Zoning Commission for review and approval'

b. The following information shall be presented:

a. A general location map.

b. Existing topographic conditions including contour intervals of one foot based on field surveys or photogrammetric methods and boundary survey.

c. The existing and proposed land uses and the approximate location of all buildings and structures to be included in the first phase of construction.

d. The approximate location of existing and proposed streets and major thoroughfares.

e. The approximate location of existing and proposed utilities including a preliminary utility and drainage plan.

f. The present zoning pattern in the area.

g. A legal description of the subject property.

h. The location and use of existing and proposed public, semi-public or community facilities, such as schools, parks, and open spaces. This will include areas proposed to be dedicated or reserved for community or public use.

i. If a proposed development creates special problems, or involves unusual circumstances, additional information may be required in order to properly evaluate the proposal as follows:

An off-street parking and loading plan;

An economic feasibility report or market analysis;

A traffic study of the area, and a circulation plan within the development and to and from existing streets and thoroughfares.

Other information as may be required.

c. The written statement submitted with the development plan shall include the following information:

a. A statement of the present ownership of all land within the proposed development;

b. An explanation of the character of the proposed development, including a summary of acres, dwelling units, and gross density by type of land use. The statement shall include minimum standards for lot size, yard and spacing requirements.

c. A general statement of the proposed development schedule and progression of unit division or staging;

d. Agreements, provisions and covenants which govern the use, maintenance and protection of the development of common or open areas.

e. The Planning and Zoning Commission shall consult with the City Building Inspector and Town Clerk relative to utility and municipal services required by the proposed development.

f. The Planning and Zoning Commission shall approve or disapprove the Development Plan with or without conditions and may withould their approval until all changes are made to the Plan.

g. Each stage or phase of construction of the P.U.D. shall be approved in the same manner as the total Development Plan by the Planning and Zoning Commission before any building permits are issued.

3. ZONING CHANGE PROCEDURE:

a. An application for approval of a Planned Unit Development will be considered administratively as a petition for rezoning and will be subject to the procedures established in the zoning ordinance.

b. After review and public hearing, the Town Council may disapprove, approve, or approve with modification the plan after receiving the recommendations of the Planning and Zoning Commission.

c. If the development plan is approved as submitted, the Town Clerk will cause the official zoning map to be changed to indicate the Planned Unit Development. If the plan is approved with modifications, a properly revised site plan shall be approved by the Planning and Zoning Commission prior to changing the zoning map. The site plan and supporting information of any approved plan shall be properly identified and permanently filed with the Town Clerk.

4. Modification of Development Plan. Any major change in use from residential to business or change in location or change of buildings, structures, land or water or alteration of or addition to buildings or structures, or erection of new buildings or structures shall be in accordance with a new Development Plan conforming with this ordinance or any portion thereof as may be required by the Planning and Zoning Commission. Upon receipt of a new or modified plan, the Planning and Zoning Commission may require such hearings as necessary to effectuate the intent of this Ordinance, but not to exceed the requirements of a new Development Plan, and shall forward its advice thereon to the Town Council for further action of the Council.

5. Subdivision Approval:

a. At the option of the applicant, preliminary subdivision plat may be filed with the development plan in order that tentative approval of the subdivision by the Planning Commission may be granted.

b. In no case shall subdivision approval precede approval of the development plan.

6. Building and Occupancy Permits; The building official shall issue building permits for the structures in the area covered by the approved development plan if they are in substantial conformity with the approved development plan, schedule and with other applicable regulations.

7. Revision of Development Plan: Any major or substantial change in the approved development plan which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets, or similar changes shall be reviewed and approved by the Town Council subsequent to receipt of the recommendation of the Planning and Zoning Commission. A request for the revision of the development plan shall be supported by a written statement of why the revisions are nedessary or desirable.

8. Approval of the Town Council shall be in effect for at least a two year period, however, if no construction has begun within two years after approval of the development plan, or if the applicant fails to maintain the approved development plan schedule the approval of the development plan shall lapse and be of no further effect. At its descretion and for good cause, the Town Council may extend for one additional year the period for beginning construction. if the approval of a development plan lapses under this provision, the Town Council shall take the nesessary rezoning action to remove the Planned Unit Development from the official zoning map, file a notice of revocation with the recorded development plan, and reinstate the zoning district and regulations which were in effect prior to the approval of the development plan.

D. Development Requirements

1. Relation to Zoning Districts.

a. An approved Planned Unit Development Shall be considered to be a separate zoning district in which the development plan, as approved establishes the restrictions and regulations according to which development shall occur. Upon approval, the official zoning map will be changed to indicate the area as a planned unit Development.

2. Regulation limiting height, bulk, density and area by land use

a. Where the proposal for a planned Unit Development abuts an existing one-

family district, no structures over two(2) stories in height shall be permitted within 100 feet of the abutting one-family district.

b. The permitted gross density within any Planned Unit Development shall not exceed eight (8) dwelling units per acre. Public streets and subaquious or submerged bottom land of lakes or streams., except as provided in (2) c. below shall be excluded in computing the area of the parcel, and therefore, the related density.

c. Subaqueous or submerged bottom land of lakes or streams shall be excluded in computing the area of a parcel except that where the lands abutting said lakes or streams are developed in park or open space for the use of residents of the neighborhood, the surface area of said lakes or streams may be used to compute density.

d. Living area standards used in the Planned Unit Development shall conform to the requirements of the MR-i Development.

e. Every attached single-family dwelling shall have access to a public street, court, walkway or other area dedicated to public use. The location of all proposed structures shall be as shown on the development plan, subject to minimum lot size, setback lines, lot coverage or floor area, specified in the approved plan.

3. Access: All access streets, courts and parking areas shall be designated to effectively relate with the Long Range Development Plans of the Town. Private streets are to be allowed within the Planned Unit Development if they meet Town construction standards and are of a design which meets with the approval of the Town Engineer.

4. Off-street parking: Off-street parking shall be provided in accordance with Article VI herein.

5. Control of area following Completion:

a. After completion of a Planned Unit Development the use of land and construction modification or alteration of any building or structures within the area covered by the Plan shall be regulated by the the approved development plan.

b. No changes may be made in the approved development plan except as provided below.

a. Extensions, alterations, or modifications requiring building permits of existing buildings or structures may be permitted after review and approval of the building official, provided they are substantially consistent with purposes and intent of the development plan.

b. Substantial change in permitted uses, location of buildings or other specifications of the development plans may be permitted following public hearing and approval by the Town Council, upon receipt of the recommendations of the Planning and Zoning Commission.

2. Group Housing Projects. Plans for proposed group housing projects containing two or more buildings which are located on a parcel of land not subdivided into the customary streets and lots, or,contain a building not oriented so the main entrance (s) directly face a street, shall be presented to the Planning and Zoning Commission for review. The Commission shall make certain the proposed development meets the following requirements:

1. The proposed development shall be compatible with requirements and intent of the subdivision regulations relative to access, drainage, utilities, and major streets.

2. Sidewalks are required in the project area leading from all front and rear doors to streets.

3. Off-street parking spaces shall be provided as required in Section VI hereof.

4. The density controls of the district in which the development is located shall apply.

3. Swimming Pools: No swimming pool shall be so located, designed, operated, or maintained as to interfere with the rights of the adjoining property. Lights to illuminate any swimming pool shall be so arranged and shadowed as to reflect light away from adjoining premises. Swimming pools shall be classed as an accessory use and shall be subject to all yard requirements of accessory uses. All swimming pools shall be subject to the existing Town Ordinance on swimming pools.

4. Townhouses; All town house developments shall make efficient, economical, comfortable and convenient use of land and open space and serve the public purpose of zoning by means alternative to conventional arrangements of yards and buildable areas. All townhouse developments shall meet the following minimum requirements.

1. No side yard is required, except that the side yard setback for a structure adjacent to a street shall be 25 feet and the side adjacent to an exterior property line shall be 10 feet.

2. No rear yard is required except that a rear yard of 20 feet is required when the rear yard of a townhouse structure abutts an exterior property line.

3. A minimum front yard of 25 feet is required when fronting on a street.

4. Each town house shall have a direct automotive access for the off-street parking space to a public street.

5. No portion of a townhouse structure shall be closer than twenty feet to any portion of a contiguous town house in another structure.

6. All outdoor, rear yard areas used for drying of clother shall be screened from view from the street and from adjoining yards and parking lo

7. Parking space shall be provided for at least two automobiles for each dwelling.

5. Gasoline Station Requirements

1. All pumps shall be set back at least twenty feet from the right-of-way line of the adjacent street.

2. The number of curb breaks for an establishment shall not exceed one for each 100 feet of street frontage, or fraction thereof, having a width of not more than 50 feet and located not closer than 20 feet to the street right of way intersection. Two or more curb breaks on the same street shall be separated by a minimum of 10 feet and no curb breaks shall be located between the point of tangent on the curve of an intersection.

6. Site Development Plan

1. No building,structure or use shall be erected, altered, installed or maintained except in conformity with the provisions of this Ordinance, and with a Site Development Plan approved as provided herein.

2. In passing upon and approving such Site Development Plan, the Planning and Zoning Commission shall consider the location, size, height, spaceing of any building, structure or use and its appurtenances, access and circulation for vehicles and pedestrians, streets, parking areas, yards and open spaces and relationship to adjacent property. The Planning and Zoning Commission shall not approve such Site Development Plan unless it finds that such Site Development Plan conforms to all applicable provisions of the zoning ordinance, that the safety and convenience of the public are properly provided for, that adequate off-street parking and loading facilities are are provided for and that adequate protection and separation are provided for contiguous and nearby property. The Planning and Zoning Commission may attach to its approval of a Site Develppment Plan any reasonable condition, limitation or requirement which is found necessary, in its judgement, to effectuate the purposes of this Section and to carry out the spirit and purpose of the zoning ordinance.

3. A development Plan for the purposes of this section shall include, but not not necessarily be limited to, the following plans, designs specifications and information:

a. Site plan with grades or contours.

b. Elevations, floor plans and use of all buildings and structures.

c. Landscaping Plan and Preservation of existing valuable trees.

d. Location and character of all outside facilities for waste disposal.

e. All curb cuts, driveways, parking areas, loading areas, and surfacing materials and cross-sections of same.

f. All pedestrian walks, malls, yards and open areas.

g. Location, site, character, height and orientation of all signs.

h. Location, height and character of all walls and fences.

i. Location and character of peripheral landscaping.

j. Front, side and rear yard setback lines.

k. Easements.

l. Drainage, water, sewer and fire protection plans.

m. Street Lighting plan.

n. Circulation plan

4. All applications for Site Development Plans shall be made in the following manner;

a. The Building Inspector shall furnish the proper application blanks for use in making application for Site Development Plans.

b. The applicant shall furnish all necessary information required upon the application form and shall furnish any other pertinent information required by the Clerk in order that the matter may be properly presented to the Planning and Zoning Commission.

c. The applications shall be presented by the Clerk at the first meeting of the Planning and Zoning Commission held not later than the expiration of thirty days from the filing of a proper application.

5. The Planning and Zoning Commission shall have the right to refuse or approve an application for a Site Development Plan and, in either such event, it shall record in the minutes of its meeting the reasons for such action. The Planning and Zoning Commission shall within thirty days, take action either approving or disapproving such application. In the event that the Planning and Zoning Commission fails to take such action approving or disapproving, an application shall be deemed to have been approved by the Commission.

6. In the event that Planning and Zoning Commission shall disapprove the Site Development Plan, it shall advise the applicant of its reasons thereof, and make recommendations concerning the Site Development Plan. The applicant may either amend the Plan and resubmit the amended Plan or may file a notice of intention to appeal the decision of the Board to the Town Council.

7. The Town Council upon receipt of a Site Development Plan appeal shall within thirty days, take action either disapproving or approving application. The Town Council may approve such application subject to any amendments it shall make and if the applicant agrees to such amendments, the application shall be approved subject to the amendments. If the applicant does not agree, the Site Development Plan shall be deemed disapproved. The action of the Town Council shall be final. No building permits shall be issued until the Site Development Plan is approved by the Town Council and a copy of the Plan has been issued to the Building Inspector.

H. SUPPLEMENTAL REGULATIONS

1. Accessory Uses and Structures

a. Authorization

Accessory uses and structures are permitted in any zoning district when such uses or structures are ancillary, in connection with and incidental to principal use or structure allowed within the district in question.

b. Accessory Uses by Zoning District.

The following accessory uses and structures shall only be permitted in the zoning districts as herein enumerated:

1. In all residential dwelling districts (single-family, two-family, townhouse and multi-family) and also the agricultural and residential country estate districts:

   a. Antenna structures for television and radio, but not microwave relay or transmission structures.

b. Childrens playhouse, not to exceed one hundred sq. feet of gross floor area and/or juvenile play equipment.

c. Fall out shelters.

d. Private garages and carports, subject to the following limitations:
   1. No garage or carport, when used as an accessory to a multiple-family residence shall be designed for more than two vehicles per dwelling unit.

e. Gazebos and similar structures.

f. Private swimming pools and bathhouses.

g. Tennis, basketball or volleyball court and other similar private recreation uses.

2. In the agricultural district:

a. Barns and other similar structures

b. Roadside stands, subject to the following limitations.

1. The total structural area shall not exceed 200 square feet in gross floor area.

2. Furthermore, such structures:

a. Shall be permitted only during crop growing season, and shall be removed, except during such season.

b. Shall be for the express purpose of sale of agricultural products grown on the same property.

c. Shall be located a minimum distance of 30 feet from the street right-Of Way line and not closer than ten feet to any lot line.

d. Shall be located so as to provide for adequate off-street parking spaces and safe ingress and egress to the adjacent street.

e. Shall be allowed one building mounted sign, mounted flush against the stand, which does not exceed ten square feet.

3, In the agricultural, residential country estate, all single-family residential, two-family residential and mobile home districts.

a. Doghouses, pens and other similar structures for the keeping of commonly accepted household pets.

b. Parking of not more than two major recreational vehicles, including but not limited to boat trailers not exceeding 25 ft. in length, camping trailers, travel trailers, motorized dwellings, tent trailers and horse vans, subject to the following limitations:

1. Such equipment shall not be used for living, sleeping or other occupancy when parked.

2. Such equipment six feet or more in average height shall not be parked or stored in a garage, carport or other structure and shall not be located in any required front yard.

4. In any zoning district:

a. No accessory structure shall be occupied or utilized, unless the principal structure to which it is accessory is occupied or utilized.

b. All accessory uses and structures shall comply with the use limitations applicable in the zoning district in which they are located.

c. All accessory uses and structures shall comply with the property development regulations applicable in the zoning district in which they are located

d. All accessory uses and structures shall be arranged and maintained so as not to encroach on any required front yard.

2 Churches

The minimum developmental criteria for churches in any district where allowed shall include:

a. Adequate site area to accommodate all structures and required off-street parking and circulation areas for motor vehicles, in accordance with the parking schedule in these regulations.

b. Location on a collector or arterial street with adequate frontage to accommodate ingress-egress driveways in proportion to expected peak attendance levels in order not to disrupt roadway traffic.

c. Maintenance of the required clear sight triangle.

d. Building setbacks as required in the district in which the facility is located.

e. Buffering in the form of hedge materials and/or fence or wall, as appropriate, along lot lines adjacent to residential uses.

f. If there is a dwelling for clergy attached or on the same premises, required open space for occupant use shall be.

1. For single-family homes: as for the same use in a district permitting single-family homes, even though the premises may be in another district.

2. For group homes (residence halls): as for multi-family dwellings.

3. Mobile Homes

All mobile homes must be fully skirted all around base. They must be tied down and connected to approved sanitary and utility systems in accordance with applicable laws and regulations.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

1. ENFORCEMENT OFFICER.

The provision of this regulation shall be administered and enforced by the Building and Zoning Inspector. This official shall have the right to enter upon any premises at any reasonable time for the purpose of making inspection of buildings on premises necessary to carry out his duties in the enforcement this regulation.

If the building Inspector shall find that any of the provisions of this regulation are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, structures or additions,alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this regulation to insure compliance with or to prevent violation of its provisions.

2. BUILDING PERMITS REQUIRED,

1. No structure or building shall hereafter be erected or structurally altered until a building permit shall be issued by the Building Official, stating that he believes that the building or structure and use of land comply with the regulations of this ordinance and with all applicable building and health laws and ordinances.

2. Each application for a building permit shall be accompanied by a plot plan in duplicate, drawn to scale, showing the actual dimensions of the lot or lots to be built upon, the size of the building or structure to be erected or structurally altered, its location on the lot , and such other information necessary to provide for the enforcement of these regulations.

3. A record of such applications and plot plans shall be kept in the office of the Building Inspector.

4. No building shall be constructed and no permit shall be issued for any building on any premises not served by sewage disposal facilities meeting the standards prescribed by the State Health Department.

3. CERTIFICATE OF OCCUPANCY FOR A BUILDING

A certificate of occupancy for a new building, or for the alteration of an existing building, shall be applied for coincident with the application for a building permit and said certificate shall be issued within three days after the request for same shall have been made in writing to the Building Inspector after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six months, during the completion of alterations or during the partial occupancy of a building pending its completions Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use of occupancy of the premises or any other matter covered by this ordinance, and such temporary certificate shall not be issued, except under such res strictions and provisions as will adequately insure the safety of the occupants.

4. CERTIFICATE OF OCCUPANCY FOR LAND:

A certificate of occupancy for the use of vacant land, or the change in the character of the use of land, as herein provided, shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued within three days after the application has been made; provided that such use is in conformity with the provisions of these regulations.

The record of all certificates shall be kept on file on the office of the Building Inspector and copies shall be furnished, on request to any person having a proprietary or tenants interest in the building affected. No fee shall be charged for a certificate of occupancy.

No permit for excavation for any building shall be issued before application has been made for certificate of occupancy.

A certificate of occupancy shall be issued for all non-conforming uses. Application for such certificates shall be filed with the Building Inspector within twelve months from the effective date of this ordinance.

5. VIOLATION AND PENALTIES

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with this, or who resists the enforcement of any of the provisions of this ordinance shall, upon conviction, be fined not less than $200.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

6. FEES

Fees pertaining to petitions for zoning amendments, use permits, certificates of compliance, and appeals to the Town Council shall be established by action of the Town Council from time to time. Such fees shall be paid to the Town Clerk.

ARTICLE X

BOARD OF ZONING ADJUSTMENT

1. CREATION AND MEMBERSHIP

There is hereby established a Board of Zoning Adjustment consisting of five residents, appointed by the Mayor and confirmed by the Town Council. The members of the said Board shall serve:

One for one year.

One for two years. (Councilmember - concurrent with his/her term of office.

One for three years.

One for four years

One for five years.

The successor of each member shall serve for the term of five years.

Vacancies shall be filled by the Mayor, subject to confirmation by the Town Council for the unexpired term. Any member of members may be removed by the Mayor for cause after written charges have been filed and after a public hearing has been held if such a hearing is demanded by the member so charged.

The Board of Adjustment shall each year select from its members a Chairman and Vice-Chairman.

The Chairman, or in his absence, the Vice-Chairman, may administer oaths. The Board shall also select one member a Secretary to keep minutes and maintain the records of the Board of Zoning Adjustment.

2. PROCEEDINGS

All meetings of the Board of Zoning Adjustment and all hearings shall be open to the public. Meetings shall be held at the call of the Chairman and at such other times as a majority of the Board may determine. The minutes of the proceed ings shall show the vote of each member upon every qu estion decided by the Board; of if any member is absent of fails to vote , shall so indicate. Statement of the findings by the Board shall be included in the minutes as to each case heard or considered by it. The reason for recommending or denying a variation as herein later described shall also appear in the minutes. In every instance, a brief statement of the facts upon which such recommendation are based shall appear in the minutes. The Board shall adopt its own rules of procedure, a copy of which and all amendments thereto shall be filed in the office of the Town Clerk. The minutes of the Board shall be open to public examination at reasonable hours.

Expenses incurred by the Board are to be itemized and shall be borne by the Town except as may be specified later herein.

3. JURISDICTION

The Board of Zoning Adjustment as herein created is a body of limited powers. The Board shall hear and decide appeals from and review any order, requirements decision or determination made by the administrative officials charged with the administration or enforcement of this regulation.

The Board of Zoning Adjustment shall have no authority to authorize the use of any parcel of property or structure in a manner not permitted by the zoning classification of the district in which such property is located.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the officer from whom an appeal is taken or to decide in favor of the applicant any matter in which said Board is required to pass under the provisions of the regulation.

4. APPEALS AND REVIEW

Any person aggrieved by a ruling of the Building Inspector, or any officer, department, board or bureau of the Town concerning the interpretation, administration or enforcement of this ordinance may appeal to the Board of Adjustment. Such appeal shall be taken within 30 days of filing with the Board. a notice of appeal specifying the grounds thereof, together with such plats and exhibits as are reasonably necessary. Board may provide or prescribe the form upon which such appeals shall be filed. The Building Inspector shall forthwith transmit to the Board all of the papers constituting his record concerning the action from which appeal was taken.

5. STAY OF PROCEEDINGS

The appeal shall stay all proceeding unless the Building Inspector certified to the Board of Adjustment after the notice of appeal has been filed with him that, by reason of facts which he shall set forth in his certificate, a stay would, in his opinion, cause immenent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment of by Court of Record on application with notice to the building official

The Board of Adjustment shall fix a reasonable time and place for the hearing of appeals; and shall provide notice thereof to the persons appealing and to the Officer from whom the appeal is taken. It shall hear and decide the appeal within a reasonable time. At the hearing, parties may appear in person or by agent or attorney. The Board of Adjustment may after such hearing reverse or affirm, wholly or in part, or may modify the ruling order, requirement, decision or determination appealed from, to conform with its conclusion as to the action which ought to be made in the premises, and to that end, shall have all the powers of the Officer from whom the appeal was taken; but shall not by such action vary from the scope, terms, and intent of this zoning regulation.

6. VARIANCES

The Board of Adjustment may authorize upon appeal in specific cases such variance from the terms of this regulation as will not be contrary to the public interest, where, owing to special conditions, as literal enforcement of the provisions of this regulation will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done. Variances may be granted on density control requirements only.

7. RULES GOVERNING VARIANCE

No variance shall be allowed;

1. To permit a non-conforming use.
2. To permit a use not permitted in a District.
3. Tp permit a non-conforming use in any residential district.
4. To permit a non-conforming manufacturing use in a business district.

8. NOTICE OF HEARINGS

Decisions, findings and recommendations of the Board of Adjustment shall be reached only after a public hearing and after notice has been given by registered mail to the applicant. In addition, public notice shall contain the address or location of the propertyhconcerning which a hearing by the Board is sought, as well as a brief description of the nature of the application.

9. RIGHT OF APPEAL

Any property holder in the Town of Welaka, Florida, who deems himself aggrieved by any variance shall be entitled to challenge its reasonableness in an appeal to a court of competent jurisdiction taken within twenty days of the enactment or promulgation of said variance.

ARTICLE XI

ZONING REGULATION AMENDMENTS

The regulations and the number, area, and boundaries of districts and all or any portion of these regulations may be amended, supplemented, changed, modified, or repealed by the Town Council after a public hearing has been held on the proposed change by both the Planning and Zoning Commission and the Town Council; provided that such amending ordinance shall be published in a newpaper of general circulation at least fifteen days in advance of its passage.

ARTICLE XII

OFFICIAL ZONING MAP

The official zoning map of the Town of Welaka, as attached hereto, shall be made an integral part of Ordinance 8 - , as enacted by the Town Council.

OFFICIAL ZONING MAP CHANGES

Any amendment to the Zoning Ordinance requiring a change in district boundaries shall be shown on the Official Zoning Map after the passage of such amendment. Such change shall be noted, dated, and signed by the Mayor and attested by the Town Clerk in the same manner as the original maps.

Section two

That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section three

That this Ordinance shall become effective immediately upon its passage.

Section four

That this Ordinance shall be posted as provided by law.

PASSED first reading at a meeting held April 26 1983

PASSED final reading at a meeting held May 10 1983

ATTEST:

(seal)

TOWN OF WELAKA, FLORIDA

James D. Brown
JAMES D. BROWN, MAYOR

Roberta H. Hyde
ROBERTA H. HYDE
TOWN CLERK

Cedric E. Milton
CEDRIC E. MILTON
PRESIDENT OF COUNCIL

THE TOWN COUNCIL OF WELAKA, FLORIDA, APPROVED AND ADOPTED ORDINANCE 83-2, "A COMPREHENSIVE ZONING REGULATION FOR THE TOWN OF WELAKA" ON TUESDAY, MAY 10, 1983.

AS AN INTEGRAL PART OF THIS ORDINANCE, A BOARD OF ZONING ADJUSTMENT WAS APPOINTED BY MAYOR JAMES D. BROWN AND APPROVED BY THE TOWN COUNCIL.
THE FOLLOWING MEMBERS COMPOSE THE FIRST BOARD OF ZONING ADJUSTMENT FOR THE TOWN OF WELAKA.

1. MARGARET RUSS - FIVE YEARS
2. CHARLES ANDREWS - FOUR YEARS
3. CHESTER CLARK - THREE YEARS
4. FERN WESTFALL - TWO YEARS
5. JAN JEFFERSON - ONE YEAR

James D Brown
JAMES D. BROWN, MAYOR

Roberta H. Hyde
ROBERTA H. HYDE
TOWN CLERK