

ORDINANCE NO. 83-1

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWN OF REDDICK, FLORIDA; CREATING ZONING DISTRICTS AND REGULATING THE USE AND DIMENSIONS OF LAND AND STRUCTURES WITHIN EACH DISTRICT; ADOPTING A ZONING MAP; PROVIDING FOR ZONING AND ADMINISTRATION AND ENFORCEMENT; PROVIDING PENALTIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Florida Statutes, empowers the Town to enact a zoning ordinance and to provide for its administration and enforcement; and

WHEREAS, the Town Council deems it necessary for the purposes of promoting the health, safety, morals, and general welfare of the City to enact such an ordinance; and

WHEREAS, the Town Council has divided the town into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan; and

WHEREAS, the Town Council has given reasonable consideration to, among other things, 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 Town Council has held public hearings hereon and presented this ordinance to the Marion County Planning Commission for its review and recommendations, and

WHEREAS, all requirements of Chapter 163, Florida Statutes, with regard to the preparation of the ordinance and subsequent action by the Town Council have been met;

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

ARTICLE I. RULES OF INTERPRETATION; DEFINITIONS.

Sec. 1. Rules of Interpretation.

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word person includes a group of persons, firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall be mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot or parcel.

Sec. 2. Definitions.

- (a) Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- (b) Building. Any structure, either temporary or permanent, except a fence, used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials or property of any kind. This definition shall include tents, dining cars, trailer, mobile homes, sheds, garages, carports, animal kennels, storerooms or vehicles serving in any way the function of a building as described herein.
- (c) Compound Use. The use of any land or building in a particular zoning district for both a residential use and a nonresidential use permitted in such district, either of which may be the principal use.
- (d) Dwelling, Single-Family. A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.
- (e) Dwelling, Two-Family. A detached residential building containing two dwelling units, designed for occupancy.

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- (f) Dwelling Unit. One room, or rooms connected together, constituting a separate, independent housekeeping establishment physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
- (g) Family. One or more persons occupying a single-dwelling unit, provided that all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestice servants employed on the premises may be housed on the premises without being counted as a family or families.
- (h) Foster Home. A dwelling owned or rented by, and occupied by, parents licensed by the State to care for a maximum of three (3) foster children in such dwelling; provided, however, that up to five (5) foster children are permitted in one foster home when such foster children are all related to each other by blood.
- (i) Group Home. Any State-licensed facility providing full-time care for 1 to 25 dependent children or adults away from the homes of their parents or relatives. Building(s) are owned or operated by the person, agency or

organization holding the State license, but the house parents may change periodically.

- (j) Impervious Coverage. That part of the ground surface of a lot covered by a structure or substance of any kind which is incapable of being penetrated, as by moisture.
- (k) Lot. For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:
 - (1) A single lot of record;
 - (2) A portion of a lot of record;
 - (3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
 - (4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this ordinance.

(1) Lot Measurements.

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

(2) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 per cent of the required lot width except in the case of lots on the turning circle of culs-de-sac, where the 80 per cent requirement shall not apply.

(m) Lot of Record. A lot which is part of a subdivision recorded in the County Public Records or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(n) Mobile Home. A detached residential dwelling

unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

- (o) Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.
- (p) Yard. A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to requirements limiting obstructwon of visibility.
- (q) Yard, Front. A yard extending between side

lot lines across the front of a lot adjoining a public street.

- (r) Yard, Rear. A yard extending across the rear of the lot between inner side yard lines.
- (s) Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street.

ARTICLE II. ZONING DISTRICTS; OFFICIAL ZONING MAP;
AND INTERPRETATION OF BOUNDARIES.

Sec. 3. Establishment of Zoning Districts.

- (a) In order to classify, regulate, and restrict the use of land and the use and location of buildings designed for specified uses; to regulate and limit the size of buildings; to regulate and determine the area of lots, yards, and other open spaces surrounding buildings; and to regulate and limit the density of population, the Town of Reddick, Florida is divided into six (6) zoning districts. The districts shall be known as:
 - (1) Residential, large lot, R-1
 - (2) Residential, small lot, R-2

- (3) Business, limited, B-1
- (4) Business, general, B-2
- (5) Institutional, I
- (6) Planned Development, PD

(b) The use and area regulations shall be uniform in each district.

Sec. 4. Official Zoning Map.

(a) The boundaries of these districts are hereby established as shown on the Official Zoning Map of the Town of Reddick, Florida. The Official Zoning Map and all notations, references and other matter shown on the map shall be and are hereby made a part of this ordinance.

(b) The Official Zoning Map shall be located in the office of the Town Clerk and shall be identified by the signature of the Mayor attested by the Clerk and bearing the seal of the Town under the following words: "This is to certify that this is the Official Zoning Map referred to in Article II of Ordinance No.

83-1 of the Town of Reddick, Florida", together with the date of the adoption of the ordinance.

(c) Any changes made in accordance with this ordinance and adopted by amendment by the Town

Council shall be promptly entered on the map by the Clerk as follows: "On (date), by official action of the Town Council, the following change(s) were made in the Official Zoning Map: (brief description of the nature of change)." The entry shall be signed by the Mayor and attested by the Clerk.

- (d) No change or amendment to any matter portrayed on the map shall be effective until such change and entry has been made on the map in the manner described.
- (e) Any unauthorized change or any change not made in accordance with this ordinance shall be considered a violation of this ordinance punishable as provided under Section 50.
- (f) The Official Zoning Map may be replaced by a new Official Zoning Map when necessary due to loss, damage, destruction or difficulty of interpretation because of the nature or number of changes and additions to the map. The Town Council shall adopt the new Official Zoning Map by resolution and it shall supersede and replace the prior Official Zoning Map upon the signature of the Mayor attested by the Clerk, and bearing the seal of the Town under the fol-

lowing words: "This is to certify that this Official Zoning Map was adopted (date of adoption of resolution adopting new Official Zoning Map) as part of Ordinance No. _____ of the Town of Reddick, Florida."

Corrections of drafting and other errors contained on the prior Official Zoning Map may be made on the new map but no correction shall have the effect of amending the original map or any amendments made to it.

The prior Official Zoning Map or parts remaining shall be preserved together with all available records pertaining to its adoption or amendment.

Sec. 5. Interpretation of Boundaries.

- (a) Except where referenced and noted on the zoning map by designated line or dimensions, the district boundary lines are intended to follow property lines, lot lines, or centerlines of streets, roads, alleys, streams or railroads or the extensions of these lines, as they existed at the effective date of this ordinance.
- (b) The Town Clerk shall interpret the boundary lines on the zoning map. When the Clerk's interpretation is disputed, the Town Council

after review and consideration, shall make the determinatwon of the boundary line.

ARTICLE III. AMENDMENTS TO THE ORDINANCE OR OFFICIAL ZONING MAP.

- (a) The regulations, restrictions and boundaries set forth in this ordinance may be supplemented, changed or repealed by amendment either to the text of this ordinance or to the Official Zoning Map, where:
 - (1) There is a manifest error in the ordinance or on the map, or
 - (2) Changed or changing conditions within the Town necessitate a modification for the continued promotion of the public health, safety, or general welfare.
- (b) Subject to the above limitations, an amendment to this ordinance may be initiated by the Town Council, or any person filing the required application. An application for a change of zoning district for any land shall be filed only by the Town Council or by the landowner or by his or her agent.
- (c) The application for amendment shall be filed with the Town Clerk and shall contain the following information:

- (1) The applicant's name, address, and telephone number and the name, address, and telephone number of the agent, if any.
 - (2) A statement of the desired amendment.
 - (3) A statement of the manifest error, if any or the changed or changing conditions within the Town which make the proposed amendment reasonably necessary for the promotion of the public health, safety, or general welfare.
 - (4) Where the amendment involves the Official Zoning Map, a map to scale showing:
 - (A) The land area to be considered.
 - (B) The present zoning of the area.
 - (C) The location of all streets, alleys, and rights-of-way bounding or intersecting the area and abutting properties.
- (d) At the time of filing either an application for rezoning or an application for amendment to the text of this ordinance, there shall be paid to the Town Clerk the filing fee prescribed by the Town Council by Resolution, to cover the notice, administrative costs, and other related expenses to the application pro-

cess.

- (e) No application by a landowner for rezoning shall be considered by the Town Council for a period of twelve (12) months after the date of a rezoning of the same property or of a denial or withdrawal of a rezoning application by the landowner for the same property, except as may be hereafter specifically provided.

Sec. 7. Processing the Application for Amendment.

- (a) Upon receipt of the application the Clerk shall notify the Town Council of the proposed amendment at its next regularly scheduled meeting.
- (b) The Town Council shall then:
 - (1) Direct the Town Attorney to place the amendment in draft ordinance form and to forward the draft ordinance and a copy of the application to Marion County Planning Commission for review and comment;
 - (2) Set the time, date and place for public hearing following the Marion County Planning Commission's review; and
 - (3) Direct the Town Clerk to notice the public hearing as provided in Section 41 of this ordinance.

- (4) The public hearing on a rezoning application may coincide with the first reading of a proposed ordinance adopting same.

Sec. 8. Effective Dates of Amendments.

- (a) Where an amendment is made to the Official Zoning Map, the amendment shall not become effective until the provisions of sub-section (4)(d) are met.
- (b) Where an amendment is made to the text of this ordinance, the amendment shall be effective upon the effective date of the ordinance officwally adopted by the Town Council.

ARTICLE IV. GENERAL PROVISIONS.

Sec. 9. Application of District Regulations.

The regulations set by this section shall be minimum regulations and shall apply uniformly within each district to each class or kind of structure or land, except as specifically provided elsewhere in this ordinance.

Sec. 10. General Provisions.

- (a) No building, structure or land shall hereafter be used or occupied except in conformity with all the regulations specified for the district in which it is located or as otherwise provided by this ordinance.

- (b) No building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations specified for the district in which it is located.
- (c) No building or structure or part thereof shall hereafter be erected or altered:
- (1) To exceed the bulk;
 - (2) To accommodate a greater number of families;
 - (3) To occupy a greater percentage of lot area;
 - (4) To have narrower or smaller lots, rear yards, front yards, side yard, or other open spaces; or
 - (5) In any other manner;
- contrary to the required provisions of this ordinance unless a variance is granted as provided.
- (d) No part of a yard, other open space, off-street parking or loading space in connection with any building that is required for compliance with this ordinance shall be included as part of a yard, other open space, off-street parking or loading space similarly required for any other building.
- (e) No yard or lot existing at the effective date

of this ordinance shall be reduced in dimension or area below the minimum requirements contained herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established herein.

Sec. 11. Non-conforming lots, non-conforming uses of lands, non-conforming structures and non-conforming uses of structures and premises.

(a) It is recognized that upon the adoption of this ordinance or amendments that may alter later be adopted there exist:

- (1) Lots;
- (2) Structures;
- (3) Uses of land and structures; and
- (4) Characteristics of use;

which were lawful before this ordinance became effective or amended but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities as they exist at the time they are rendered non-conforming.

(b) However, any proposed alteration of a non-conforming use or structure must comply with

the requirements of Section 10 or gain a variance or special use permit from the Town Council as provided in Articles VII and VIII of this ordinance.

- (c) When a non-conforming lot of record resulting from the provisions of this ordinance or amendment hereto does not abut another lot under the same ownership, such non-conforming lot may be used for a single-family dwelling only, provided such use is approved by the City Council.
- (d) If two or more abutting lots, or combination of lots and portions of lots, in single ownership are of record at the effective date of this ordinance or amendments hereof and if all or part of the lots do not meet the required lot width, depth and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with the lot width, depth or area requirements established by this ordinance; nor shall any division of any parcel be made which creates a lot with a width, depth or area below the minimum requirements provided in this ordinance without a variance or special

use permit.

Sec. 12. Accessory Structures.

Accessory structures shall have the same yard set backs as provided for principal structures within the district

Sec. 13. Corner Lots.

Lots formed at the intersection of two (2) streets shall not be required to provide two (2) front yard setbacks. The front setback shall be required on only one (1) street and the remaining side shall have a setback of one-half (1/2) of the front set back.

Sec. 14. Off-Street Parking.

(a) Minimum off-street parking and storage of vehicles shall be provided for every residential, commercial, business, trade, institutional, recreational, or other use in accordance with the following schedule:

(1) Residential uses:

<u>USE</u>	<u>NO. OF VEHICLE SPACES</u>
Single-family dwellings and mobile homes	2 per dwelling unit or mobile home
Two-family dwellings	1 per 600 sq. ft. gross floor area
Foster homes	1 per dwelling unit
Group homes	1 per 900 sq. ft. gross floor area
Rooming houses and dormitories	1 per 400 sq. ft. gross floor area

(2) Non-residential uses:

<u>USE</u>	<u>NO. OF VEHICLE SPACES</u>
<u>Entertainment and recreation:</u>	
Theaters, auditoriums and sports arenas or stadiums including school auditoriums and stadiums, based on fixed seating capacity	1 for each 4 seats
Dance halls and exhibition halls, without fixed seats, based on floor area devoted to public assembly	1 for each 100 sq. ft. floor area devoted to the principal activity
Billiard and pool rooms	2 for each table
Bowling alleys	2 for each alley
Golf courses	3 per hole, plus required spaces for areas devoted to eating and drinking uses
Health spas and gymnasiums	10 plus 1 for each 200 sq. ft. floor area in excess of 1,000 sq. ft.
Public swimming pools and private swim clubs	1 per 200 sq. ft. of pool surface area (not including wading pools or whirlpool baths) plus 1 for each 200 sq. ft. of building area in accessory structures in excess of 1,000 sq. ft.
Public tennis courts and private tennis clubs	2 per court, plus 1 for each 200 sq. ft. of clubhouse floor area in excess of 1,000 sq. ft.
<u>Service uses:</u>	
Finance, banks, savings and loan institutions, insurance, real estate, business, professional and other offices (except those otherwise designated herein)	1 for each 400 sq. ft. floor area up to 20,000 sq. ft., plus 1 for each 500 sq. ft. floor area in excess of 20,000 sq. ft.
<u>Personal services:</u>	

Self-service laundry and dry cleaning	1 for each 3 washing or drying machines
Dry cleaning, pickup	3, plus 1 for each 500 sq. ft. floor area in excess of 1,000 sq. ft.
Barber and beauty shops	2 parking spaces per beauty or barber chair
Repair services, motor vehicle, appliance and furniture	5, plus 1 for each 800 sq. ft. floor area in excess of 3,000 sq. ft.
<u>Professional services:</u>	
Medical and dental offices and clinics.	1 for each 200 sq. ft. floor area
Hospitals, general	1 per 1.5 beds
Hospitals, convalescent and nursing homes and personal care facilities	1 per 3 beds
Veterinarians, animal and veterinary hospitals	1 for each 250 sq. ft. of floor area exclusive of boarding areas
Laboratories, when a primary use	4, plus 1 for each 300 sq. ft. floor area in excess of 1,000 sq. ft.
Rehabilitation centers, social service homes, and halfway houses	1 per 500 sq. ft. of floor area
<u>Education services:</u>	
Child care centers	1 space designed for the safe and convenient loading and unloading of children for every five (5) children based upon the center's regulated child capacity, plus 1 parking space per every employee
Libraries	1 for each 1,000 sq. ft. of gross floor area
<u>Schools</u>	
Elementary	1 per classroom

Middle	2.5 per classroom
High	1 per employee plus 1 per 10 students of design capacity
Trade, vocational and business not otherwise designated herein	1 per employee, plus 1 per 3 students of design capacity
Dance schools other than ball-rooms	5 plus 1 for each 150 sq. ft. of dance floor area in excess of 500 sq. ft.
<u>Miscellaneous services:</u>	
Churches based on seating capacity in the principal room or hall	1 for each 5 seats
Private clubs, lodges, auction rooms and union halls	1 for each 50 sq. ft. of floor area without fixed seats, and 1 for each 5 fixed seats
Mortuaries, funeral homes and crematories	1 for each 5 seats in the 2 largest chapels
Car washes	5 spaces
Hotels and motels	5 plus 1 for each guest room, plus 75% of required spaces for restaurants, retail outlets and other accessory uses
<u>Trade:</u>	
Retail stores and personal services not listed elsewhere	0 to 3,000 sq. ft. floor area--5; 3,000 to 5,000 sq. ft. floor area--5, plus 1 for each 500 sq. ft. floor area in excess of 3,000 sq. ft.; in excess of 5,000 sq. ft. floor area--10, plus 1 for each 350 sq. ft. floor area in excess of 5,000 sq. ft.
Retail furniture and appliance stores, retail machinery and equipment sales, and motor vehicles sales, based on area devoted to retail, office, service, or display of goods	5, plus 1 for each 800 sq. ft. of such area in excess of 3,000 sq. ft.

Food stores	1 for each 200 sq. ft. of floor area
Building materials sales	10, plus 1 for each 120 sq. ft. retail sales area in excess of 1,000 sq. ft., and 1 per 750 sq. ft. of warehouse area open to the public
Eating and drinking establishments	3, plus 1 for each 3 seats of seating capacity
Service stations	5, of which at least 1 must be large enough to accommodate a towing vehicle
Agricultural and commercial nurseries	10, plus 1 for each 150 sq. ft. inside sales area over 1,000 sq. ft., and 1 per 2,000 sq. ft. outside sales area open to the public
Transportation (railroad bus, air terminals)	5, plus 1 for each 5 seats of seating capacity, in waiting terminals
Warehousing, manufacturing industrial concerns with no retail trade	1 parking space for every 2 employees in the largest work shift

(3) Large developments:

Regardless of the above requirements, all joint development in business districts with a gross floor area of 50,000 sq. ft. or greater

1 parking space per each 250 sq. ft. of gross floor area.

(b) Required parking spaces shall conform to the following dimensions:

<u>Angle of Parking</u>	<u>Stall Width*</u>	<u>Stall Depth</u>	<u>Minimum Width Driveway</u>	<u>Minimum Width Two-Row Stalls and Driveway</u>	<u>Minimum Width One-Row Stalls and Driveway</u>
90	9.0 ft.	19 ft.	24 ft.	62 ft.	43 ft.
60	10.4 ft.	19 ft.	18 ft.	56 ft.	37 ft.
45	12.7 ft.	19 ft.	14 ft.	52 ft.	33 ft.
30	18.0 ft.	17 ft.	12 ft.	46 ft.	29 ft.

*Measured parallel to the driveway.

- (c) Required parking spaces may be located within required front and rear yards.

Sec. 15. Visibility at Intersections.

- (a) Prohibition. No fence, wall, hedge, street or structure may exceed two (2) feet in height on any property which is located at the corner of intersecting streets within an area formed by a triangle, the apex of which is the point of intersection of the street lines, the legs of which extend twenty-five (25) feet along said street lines and the hypotenuse of which connects the ends of the legs.
- (b) For purposes of this section, a street line is defined as that line limiting the right-of-way of the street and being identical with the property line of property fronting on the street.
- (c) The terms of this section shall not apply to utility facilities or to vegetation extending into the triangle more than eight (8) feet above the ground.

Sec. 16. Fences, Walls and Hedges.

- (a) Fences, walls and hedges may be permitted in any required yard or along the edge of any yard provided the provisions of Section 15, Visibility at Intersections, are met.

- (b) Where any business property put to a business use abuts property zoned R-1 or R-2, the business property owner shall provide a continuous, solid wall or fence six (6) feet in height separating the business property from the residential property.

Sec. 17. Signs.

Signs shall be allowed in any district provided:

- (a) No sign shall have flashing or blinking lights;
- (b) No sign shall be erected within the side yard set back;
- (c) Every sign shall meet the provisions of Section 15, Visibility at Intersections.

Sec. 18. Structures to have Access.

Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to a private road, and all structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and off-street parking.

Sec. 19. Impervious Coverage.

Impervious coverage of any property shall be limited to fifty (50) percent of the land area.

Sec. 20. Unzoned Lands.

If any land is unzoned because of error or omission, or because of invalidation of the zoning by judicial act

or otherwise, or for any other reason, such land shall be deemed to be zoned R-1 and may be used and developed as such until zoned to some other district.

ARTICLE V. DISTRICT REGULATIONS.

District regulations shall be set forth at the end of this Article in the Schedule of District Regulations hereby adopted by reference and declared to be part of this ordinance.

Sec. 21. Residential Districts, R-1 and R-2.

- (a) Purpose. The residential districts, R-1 and R-2, are hereby created making certain areas within the town reserved exclusively for residential and related uses.
- (b) Intent. It is the intent of this ordinance that existing residential developments be protected from encroachment of incompatible uses and that new developments be constructed according to sound, reasonable and desirable regulations as stated in this ordinance.
- (c) Permitted uses.
 - (1) Single-family dwellings.
 - (2) Two-family dwellings (duplexes) shall be permitted in the R-2 district but not in the R-1 district.
 - (3) Occupancy of a dwelling unit by one family.
 - (4) Any accessory use or structure customary

and incidental to the principal use is permitted, provided that an accessory building and use shall not involve any type of business, trade, manufacturing or industry.

- (5) Home occupations may be allowed by special use permit in accordance with Article VII, provided that:
 - (A) The home occupation is clearly incidental to the residential use;
 - (B) The home occupation does not materially change the character or appearance of the residential property or neighborhood; and
 - (C) The home occupation does not produce vibrations, fumes, odors, glare, noise, or electrical, radio or television interference, detectable off the lot to the normal senses.
- (6) Gardening, farming, and keeping of animals both noncommercial and commercial, is permitted provided that swine pens, chicken coops and open kennels are at least 50 feet from the property line.
- (7) Mobile homes may be allowed by special use permit in accordance with Article VII.

- (d) In the R-1 and R-2 districts, any building containing one or more dwelling units shall be deemed to be the principal building on the lot on which it is located, and only one principal building per lot is permitted.

Sec. 22. Business Districts, B-1 and B-2.

- (a) Purpose. The Business Districts, B-1 and B-2, are hereby created making certain areas within the town available for use for commercial purposes where such uses are appropriate and will not encroach on residential districts.

- (b) B-1, Limited Business Districts. B-1, limited business district, is created to provide low intensity activity areas. These areas are not to be encroached upon by other commercial uses or residential uses which are not compatible with the existing and future low intensity uses located within the B-1 district.

- (1) Permitted uses:

- (A) Single-family dwellings;
- (B) Two-family dwellings;
- (C) Dormitories and rooming houses;
- (D) Foster homes and group homes;
- (E) Compound uses;
- (F) Child care centers;

- (G) Offices of physicians, dentists, osteopaths, chiropractors, opticians, mid-wives, nurse practitioners, or other similar professionals concerned with improving personal or community health;
- (H) Offices of architects, planners, engineers, surveyors, photographers, commercial artists, and other persons engaged in the design or graphic arts profession;
- (I) Offices for work in administrative, legal, writing, clerical, stenographic, accounting, insurance, real estate, manufacturing representative, financial (excluding commercial banks and savings and loan institutions) and similar professional uses;
- (J) Offices of veterinarians, veterinary hospitals, or animal clinics, when contained and conducted wholly within a soundproof structure;
- (K) Churches;
- (L) Studios;
- (M) Private clubs; and

- (N) Restaurants, with a total floor area of no more than 2400 square feet.
- (c) B-2, General business district. B-2, general business district, is created to provide mixed medium and high intensity activity areas at appropriate locations.
 - (1) Permitted uses:
 - (A) Single-family dwellings;
 - (B) Two-family dwellings;
 - (C) Foster homes, group homes, and child care centers;
 - (D) Retail sales of food, beverages, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art, cameras and photographic supplies, sports and hobby supplies and equipment, musical instruments, television and radio, flowers and plants, gifts, drugs, home furnishings, appliances, office equipment, antiques, hardware, auto parts, and similar items;
 - (E) Service stations, provided all fuel pumps shall not be located in the yard setbacks; retail sales of new and used

- automobiles, trucks, motorcycles, tractors, mobile homes, boats, automotive parts and accessories, and similar items (not including junkyards or auto wrecking yards);
- (F) Wholesaling, warehousing, storage, or distribution establishments and similar uses;
 - (G) Manufacturing, processing, packaging, or fabricating, including heating and air conditioning shops, sheet metal works, welding shops, plumbing and electrical contracting, when conducted within completely enclosed soundproof buildings;
 - (H) Printing, lithography, publishing, and similar uses;
 - (I) Research and experimental laboratories, when conducted within completely enclosed buildings;
 - (J) Bulk storage yards, including petroleum products, but not including junkyards;
 - (K) Retail sales of farm supplies, lumber and building supplies, monuments, and

similar items;

- (L) Contractors' offices and storage;
- (M) Plant nurseries and landscape contractors;
- (N) Radio and television stations, transmitters, and towers;
- (O) Ice plants;
- (P) Recreational and amusement facilities, including bowling alleys, but only when they are located within a completely enclosed, soundproof building;
- (Q) Private clubs;
- (R) Motor vehicle and marine vessel sales, repairs and servicing;
- (S) Outdoor sales and storage;
- (T) Hotels and motels;
- (U) Compound uses;
- (V) Parking lots;
- (W) Schools;
- (X) Churches; and
- (Y) Accessory uses to any principal use, including accessory fuel sales. Fuel pumps shall not be located in the yard setbacks.

(2) Uses by special permit: Any use not listed may be allowed in the B-2 district, provided a special use permit is obtained in accordance with Article VII.

(d) Additional provisions:

(1) Off-street parking spaces shall be designated but need not be paved.

(2) Buildings shall be separated by at least ten (10) feet.

(3) A minimum of 50 feet frontage on a public street is required for each business property or use.

(4) More than one structure housing a permitted or permissible principal use may be erected on a single lot.

Sec. 23. Institutional District, I.

(a) Purpose. The I district is established for the purpose of identifying and providing suitable locations for necessary public services, whether operated by governmental agencies or private, non-profit or philanthropic agencies. Areas zoned to this district may be isolated and surrounded by any other districts compatible with the intended use of the facility.

(b) Objectives. The provisions of this district

are intended to:

- (1) Accommodate such non-profit activities as churches, schools, utilities, recreational and cultural uses, social welfare facilities, and similar uses at appropriate locations to serve the reasonable needs of the public;
- (2) Ensure public awareness of existing and potential public service facilities.
- (3) Allow, through the rezoning process, public review and comment as to the locations of such facilities; and
- (4) Ensure, by requiring site plan review where necessary, that new development of such facilities is designed to minimize negative impacts on surrounding properties.

(c) Uses permitted by right:

- (1) Within the I district, any use for a public purpose is permitted on property owned and operated by any governmental agency.
- (2) On property within the I district owned and operated by a not-for-profit corporation or other non-profit organization,

created for religious, educational, cultural, charitable, or other philanthropic purpose, the following uses shall be permitted, provided they are open to use by the public generally:

- (A) Libraries;
- (B) Information centers;
- (C) Museums and art galleries;
- (D) Parks and botanical gardens;
- (E) Golf courses and other recreational facilities;
- (F) Electric, gas, and other public utilities;
- (G) Cemeteries;
- (H) Churches;
- (I) Schools;
- (J) Service organizations (nondiscriminatory membership);
- (K) Health and rehabilitation services;
- (L) Sanitariums and temporary recuperative or rehabilitative residential facilities;
- (M) Hospitals and clinics;
- (N) Airports and other transportation terminals;

(O) Any use similar in character to a use specifically listed in this subsection; and

(P) Any use customarily incidental to any permitted principal use.

(d) When any property within the I district is no longer owned by a governmental agency or by a private, non-profit or philanthropic agency, such property may only be used as if zoned R-1 until rezoned to some other district.

Sec. 24. Schedule of District Regulations.

The following shall be minimum requirements in the districts indicated:

Zoning district:	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>I</u>
Lot area (in square feet)	40,000	10,000	None	None	None
Lot width (in feet)	200	100	None	None	None
Lot depth (in feet)	200	100	None	None	None
Front yard setback (in feet)	35	25	15	15	25
Side yard setback (in feet)	20	10	10	10	10
Rear yard setback (in feet)	25	20	20	20	20

ARTICLE VI. PLANNED DEVELOPMENT DISTRICT.

Sec. 25. Purpose.

- (a) Basic goal. It is the purpose of this district to provide a method for landowners or developers to submit proposals for unique zoning district provisions for individual planned developments which are not provided for or allowed in the zoning districts otherwise established by this ordinance. Rezoning for planned developments will be an entirely voluntary procedure; and the approval of planned development rezoning rests entirely with the Town Council, which may include in the rezoning any conditions the Council deems necessary. Planned developments may include any uses and any mixture of uses, but they must conform to all aspects of the Marion County Comprehensive Plan.
- (b) Objectives. The planned development provisions are intended to promote flexibility of design and permit planned diversification and integration of uses and structures, while at the same time retaining in the Town Council the absolute authority to establish limitations and regulations thereon for the benefit of the public health, welfare, and safety. By en-

couraging maximum flexibility in the proposals which may be considered, while at the same time retaining maximum control in the Town Council over the approval or disapproval of such proposals, the planned development provisions are designed to:

- (1) Permit more efficient and economic uses of land;
- (2) Encourage a more compatible and harmonious development of contiguous lands;
- (3) Promote home ownership opportunities for all residents of the community;
- (4) Provide flexibility to meet changing needs, technologies, economics, and consumer preferences;
- (5) Be totally controllable, in terms of the impact on the proposed site and surrounding neighborhoods;
- (6) Provide for more usable and suitably located recreational facilities than would otherwise be provided under conventional land development procedures;
- (7) Permit specific limitations and requirements in excess of those included in other zoning districts, based on the unique

characteristics of the individual site, where necessary to the public health, welfare, or safety, or for the protection or preservation of lands either internal or external to the planned development; and

8. Ensure the preservation and maintenance of common areas and open spaces.

Sec. 26. Definitions.

For purposes of this Article, relating to planned developments, the following words and phrases shall have the following meanings:

- (a) Applicant: A landowner, developer, builder, or other person who files a petition for a zoning change to Planned Development district.
- (b) Approved Development Plan: A development plan submitted for a proposed planned development which has been approved and adopted by ordinance by the Town Council.
- (c) Buffering: The use of any man-made or natural materials or open space in any fashion designed to limit the effects of one land use upon adjoining land uses.
- (d) Common area: Any part of a planned development designed and intended to be used in common

by the owners, residents or tenants of the planned development.

- (e) Development Plan: The plan submitted in accordance with the requirements of this Article as the basis for a rezoning to Planned Development, consisting of both a Development Plan Map and a Development Plan Report, both of which, if approved, shall be adopted by reference in the prescribed manner by ordinance to amend the zoning map, noting rezoning to Planned Development.

Sec. 27. Approval Process.

The approval process is designed to be flexible, so that, depending on the size, complexity, and novelty of a proposed development and the desires of the applicant, approval of a planned development may be sought through either a one-step or two-step procedure. The first possible step, Concept Review, is optional. The required step is Development Plan Approval.

- (a) Concept Review. Prior to making any expenditures or developing any detailed plans or data, an applicant may, at his sole option, submit to the Town Council for its review the concept of a proposed planned development. This may be done with or without any supporting

plan or sketch, but the applicant shall be required to pay a filing fee as prescribed by the Town Council by resolution. The Town Council's Concept Review is intended solely to alert an applicant to problems with, or objections to, a particular proposed development, so that a proposal may be abandoned without significant expenditure by the applicant if he determines that approval of the proposal will be questionable or unlikely. During Concept Review, no comment concerning a proposed development concept by the Town Council, any of its members, or any officer or employee of the Town, shall be relied upon by the applicant or any other person as representation or implication that the particular concept proposed will ever be ultimately approved in any form as a planned development.

- (b) Development Plan Approval. The required step in the approval process of a planned development is the submission of a Development Plan for approval, accompanied by a Development Plan for approval, accompanied by the prescribed filing fee, and a petition to rezone the land involved to Planned Development district in

accordance with the Development Plan submitted pursuant to the requirements specified hereinafter. The Town Council public hearing on the rezoning petition may be continued from time to time, as necessary, to facilitate the inclusion in the Development Plan of such changes, conditions, and additions as may be agreed upon by the Town Council and the applicant or to allow the Town Council to seek professional assistance in evaluating a Development Plan.

Following the Town Council public hearing on the proposed rezoning as agreed to by the applicant, the Town Council may either deny the rezoning, approve the rezoning, or approve the rezoning with whatever other amendments or additions to the Development Plan it deems necessary or appropriate. Should the applicant not be agreeable to a Development Plan in the form in which it is approved by the City Commission, the rezoning petition may be withdrawn at any time prior to the second reading of an ordinance enacting the rezoning.

Sec. 28. Requirements of Rezoning and Development Plan
Application.

Along with a rezoning request, an applicant for

planned development rezoning shall submit three (3) copies of each of the following:

(a) Legal description of site and owners. A legal description of the proposed planned development shall be submitted, along with the names of every person owning an interest in any part of the site and the nature of each person's interest.

(b) Existing conditions map. This map or series of maps shall be drawn to a scale no smaller than one inch equals one hundred (100) feet, and shall include:

(1) Title of the proposed planned development and name(s) of the applicant(s);

(2) Scale, date, North arrow and general location map showing the boundaries of the planned development, section lines within the planned development and the nearest ones without, and the existing property lines for both public and private property within the planned development and for three hundred (300) feet surrounding it;

(3) Within the site and the three hundred (300) feet area surrounding it, the

- location and names of all existing streets; the location and use of all existing principal buildings and existing recreation or open space areas; the location and size of all existing drainage, water, sewer, electrical, and other utilities facilities, including fire hydrants; and all existing easements, watercourses, bridges, lakes, marshes, wooded areas, sinkholes, and physical conditions affecting the area;
- (4) Existing topography at one inch equals one hundred (100) feet with two-foot contour lines and a slope category analysis for areas of more than ten percent (10%) slope; and
- (5) The location and function of all other existing public facilities which would serve the site, such as schools, parks, and fire stations. Notation of this information on a scaled map or by written description is acceptable.
- (c) Development Plan Map. Such map or maps shall be drawn and submitted at a scale not smaller than one inch equals one hundred (100) feet and shall include:

- (1) The proposed land use relationships, including the boundaries of each use area, the use to be permitted therein, and the form of ownership for each use;
 - (2) The proposed vehicle and pedestrian circulation system, including the general locations and widths of rights-of-way;
 - (3) The use and, generally, the size, location, distance from one another and height of all proposed buildings and other structures;
 - (4) The location and size of usable open space and recreational areas, with an indication for each whether it will be a common area or dedicated to public use; and
 - (5) The location and size of all areas designated for public or semi-public institutional uses, such as schools, churches, libraries, and public safety facilities.
- (d) Development Plan Report. This report shall be a part of the Development Plan and shall include:
- (1) A statement indicating the purpose and intent of the project;
 - (2) A statement of the internal and external land use relationships and the applicant's

- opinion of their compatibility;
- (3) A plan for pedestrian and vehicular circulation describing the general design capacity of the system as well as access points to the major thoroughfare system.
 - (4) Statistical information including:
 - (A) Total acreage of the site;
 - (B) Maximum building coverage expressed as a percentage of the total site area;
 - (C) Maximum impervious ground coverage expressed as a percentage of the total site area;
 - (D) The exact number of dwelling units and the type thereof in each residential use area;
 - (E) The exact number of commercial land uses by type and size (gross floor area) to be allowed;
 - (F) The specific acreage of each use area; and
 - (G) The areas of land devoted to publicly-owned or private usable open space and recreational areas, all expressed as percentages of the total site area.

- (5) Drainage concept plan, indicating the manner of controlling water drainage from the property.
- (e) Exceptions. If any of the items required to be included in the Development Plan Map or Report is inapplicable or irrelevant to a proposed planned development, such item may be omitted provided the Development Plan Report identifies the items missing and includes a brief explanation of why they are irrelevant or inapplicable. With the concurrence of the Town Council, some items to be included in the Development Plan Report may be combined with others or shown on the Development Plan Map, provided no confusion or ambiguity thereby results.
- (f) Additional items may be required by the Town Council, either for informational purposes or to be included in the Development Plan Map or Report. Such items may include, but are not limited to:
- (1) An off-street parking and loading plan; and
 - (2) Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of the proposed circulation pattern.

Sec. 29. Evaluation of Development Plans.

In considering a proposed Development Plan for approval, the Town Council shall evaluate the proposal in consideration of the following criteria:

(a) Conformance with Comprehensive Plan. No Development Plan may be approved unless it is in accord with the Marion County Comprehensive Plan.

(b) Internal and external compatibility. All land uses proposed within a planned development must be compatible with other proposed uses and those existing or planned around the proposed planned development; that is, no use may have any undue adverse impact on any neighboring use. An evaluation of the internal compatibility of a planned development should be based on the following factors:

- (1) the traffic circulation system;
- (2) the existence or absence of open spaces and recreational areas;
- (3) the use of existing and proposed landscaping;
- (4) the treatment of pedestrian ways;
- (5) the use of the topography, physical environment, and other natural features;
- (6) the use and variety of building setback

- lines, separations, and buffering;
- (7) the use and variety of building groupings;
 - (8) the use and variety of building sizes and architectural styles;
 - (9) the separation and buffering of parking areas and sections of parking areas;
 - (10) the variety and design of dwelling types;
 - (11) the particular land uses proposed and the conditions and limitations thereon;
 - (12) the zoning and existing uses of surrounding lands; and
 - (13) any other factor deemed relevant to the privacy, safety, preservation, protection, or welfare of any existing or proposed use within or without the planned development.
- (c) Intensity of development. The residential density and intensity of use of a planned development shall have no undue adverse impact upon the physical and environmental characteristics of the site and surrounding lands, and they shall comply with the policies and density limitations set forth in the Marion County Comprehensive Plan. Within the limitation of the Marion County Comprehensive Plan, the permitted residential density and intensity of use

in a planned development may be adjusted upward or downward in consideration of the following factors:

- (1) the locations of various proposed uses within the planned development and the degree of compatibility of such uses with each other and with surrounding uses;
- (2) the amount and type of protection provided for the safety, habitability, and privacy of land uses both internal and external to the planned development;
- (3) the existing residential density and intensity of use of surrounding lands;
- (4) the availability and location of utilities services and public facilities and services;
- (5) the amount and size of open spaces and recreational areas;
- (6) the existence and treatment of any environmental hazards to the planned development property or surrounding lands;
- (7) the access to and suitability of streets proposed within the planned development and existing external transportation systems and arteries; and

- (8) any other factor deemed relevant to the limitation of the intensity of development for the benefit of the public health, welfare, and safety.
- (d) Off-street parking. Sufficient off-street parking shall be provided. The requirements of subsection 14(a) shall be used as a guide only. Parking areas shall be constructed in accordance with such standards as are approved by the Town Council to ensure that they are safe and maintainable and that they allow for sufficient privacy for adjoining uses.
- (e) Public facilities. No Development Plan shall be approved unless adequate public facilities, including but not limited to storm drainage, sanitary sewers, water distribution system, and recreational facilities, which shall serve the proposed project, are either in place or are imminent or proposed to be constructed by the applicant, whether or not such facilities are physically located within the site boundaries of the planned development.
- (f) Unified control. All land included in any planned development shall be under the complete, unified, legal, otherwise-unencumbered

control of the applicant, whether the applicant be an individual, partnership, corporation, other entity, group or agency. The applicant shall furnish the Town sufficient evidence to the satisfaction of the Town Attorney that the applicant is in the complete, legal, and unified control of the entire area of the proposed planned development. The applicant shall provide the Town, for approval by the Town Attorney, all agreements, contracts, deed restrictions, guarantees and other necessary documents and information that may be required by the Town Attorney to assure the Town that the development project may be lawfully completed according to the plans sought to be approved.

- (g) Development time limits. The Town Council may establish reasonable periods of time for the completion of any dedicated public facilities within a planned development, facilities planned for common areas, and the total planned development. Any such time limit may be extended by the Town Council for reasonable periods upon the petition of an applicant for an amendment to the Development Plan and based upon good cause. If time limits contained in

the approved Development Plan are not complied with and not extended for good cause, the Town Council may rezone the property or any part of it or amend the approved Development Plan so as to best protect adjoining properties and the public health, welfare or safety.

Sec. 30. Other Regulations.

All other land use regulations of the Town are applicable to a planned development, except for those permitting special exceptions and zoning variances and except to the extent that they conflict with a specific provision of the approved Development Plan.

Sec. 31. Amendments.

An amendment to an approved Development Plan (except for an extension of a time limit) may be accomplished only by a rezoning petition accompanied by a new proposed Development Plan. All appropriate maps, plans, and reports submitted with the approved Development Plan may be re-submitted with the rezoning petition, along with sufficient new maps, plans, and reports to clearly and thoroughly indicate the proposed changes, as the new proposed Development Plan.

Sec. 32. Rezoning Time Limits.

The rezoning of property, by amendatory ordinance, to Planned Development district based on a particular

Development Plan shall operate the same as any other rezoning to prohibit the consideration by the Town Council of any new petition for rezoning for any part of such property, excluding an application to amend the approved Development Plan, for a period of twelve (12) months from the date of the amendatory action. Neither the denial of a petition to rezone to Planned Development, nor the withdrawal of a petition to rezone to Planned Development, shall operate to deny the applicant consideration of a new rezoning petition at any time, except that no new petition to rezone to Planned Development may be considered by the Town Council within a period of twelve (12) months from the date of such denial or withdrawal. The denial of a petition to rezone to a category other than Planned Development shall not act to prohibit the filing of a petition for Planned Development zoning at any time.

ARTICLE VII. SPECIAL USE PERMITS.

Sec. 33. Purpose.

This Article sets forth the basic procedures and provisions for the application for and consideration of special use permits. Such permits may be approved for:

- (a) Mobile homes, cemeteries and schools in zoning districts where they are not permitted by right;
- (b) Home occupations in residential districts; and

- (c) Any use not specifically provided for by this ordinance, if appropriate for the district for which it is requested.

Special use permits may be denied, or conditions or time limits attached thereto, if appropriate for the protection of the public health, welfare, morals, or safety or for the protection of adjoining lands and uses.

Sec. 34. Application for special use permit.

Applications for a special use permit shall be made to the Town Clerk, accompanied by a filing fee, as prescribed by the Town Council by resolution, and the following items or information:

- (a) A legal description for the property;
- (b) Notarized affidavit or declaration of ownership of the property for which the certificate is requested and, if the application is filed by person(s) other than the owner(s), written authorization from the owner(s);
- (c) A detailed sketch depicting the boundaries of land in question; indicating existing structures and uses; specifying proposed construction or development incident to the proposed use, including all structures, fences, and paving; and showing the required yard setbacks for the proposed use pursuant to the applicable zoning

district requirements; and

- (d) A written narrative detailing the current use of the property and the proposed use.

Sec. 35. Processing.

Processing shall be in accordance with Section 7 of this ordinance. If the proposed use, as described and depicted by the applicant, is not in compliance with all of the requirements of this ordinance, the application shall be rejected; and a written rejection describing the reason(s) therefor, shall be provided to the applicant.

Sec. 36. Expiration and revocation.

If, after a special use permit is granted, the use, or construction for such use, is not begun within one year from the date of issuance, the special use permit shall expire and be automatically revoked.

ARTICLE VIII. BOARD OF ADJUSTMENT.

Sec. 37. Membership and form of office.

The Town Council may, by ordinance, create and establish a Board of Adjustment. If so created, it shall consist of five (5) members, each of which shall be a resident and qualified elector of the Town. Each member of the Board shall serve at the pleasure of the Town Council and shall hold office until his successor has been appointed. Until such time as such a board is created, the Town Council shall serve as the Board of

Adjustment.

Sec. 38. Rules, regulations and procedure.

The Town Council may, by resolution, fix and determine the rules and procedure of the Board of Adjustment.

Sec. 39. Powers and duties of the Board of Adjustment; variances.

The Board of Adjustment shall have the power to authorize variances from the terms of the zoning ordinance, except for the use restrictions, where such variances will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance would result in unnecessary hardship.

(a) A variance from the terms of the zoning ordinance shall not be granted unless and until:

(1) A filing fee as prescribed by the Town Council by resolution and a written application for a variance is submitted demonstrating:

(A) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings

in the same district;

(B) That literal enforcement of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance;

(C) That the special conditions and circumstances in (A) above do not result from the action of the applicant; and

(D) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, and will not permit a use which is not allowed generally in the same district.

(2) Notice of public hearing shall be given the same as required for a special use permit under subsection 41(a).

(3) At the public hearing, any party may appear in person or through representation by an agent or attorney.

(4) The Board of Adjustment shall make

findings that the requirements of part
(1) of this subsection (a) have been met.

(5) The Board of Adjustment shall also make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in accordance with the general intent and purpose of this zoning ordinance.

(b) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards for the benefit of the public health, welfare, morals or safety or for the protection of abutting properties and uses. Violation of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of the Zoning Ordinance.

(c) The Board of Adjustment shall not entertain any petition for a variance within two years after the denial of the same request for the same property.

Sec. 40. Judicial review of decisions of Board of Adjust-

ment.

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, may apply to the circuit court for judicial review within thirty days after rendition of the decision by the Board of Adjustment.

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT.

Sec. 41. Public notice requirements.

Public notice of application for a rezoning or for a special use permit for any property shall be provided by:

- (a) A sign or signs erected in a conspicuous location on the property, using at least one (1) sign for every two hundred (200) feet of frontage on each street upon which the property abuts. The property shall be posted at least ten (10) days prior to the date of the public hearing by the Town Council. Signs shall be at least two (2) feet by three (3) feet in size, with the lower edge of the sign at least three (3) feet above the ground level in letters legible from the nearest street as follows:

PUBLIC NOTICE

This property is being considered for [a special use permit] or [rezoning from (current zoning district) to (requested zoning district)]. For further information contact the Town Clerk, Town of Reddick (telephone number).

- (b) Any other notice for rezoning required by Chapter 163, Florida Statutes.

Sec. 42. Public hearings.

The Town Council shall hold a public hearing upon applications for rezoning, for special use permits, and for amendments to this ordinance, and all persons having an interest in any application shall be heard. The applicant and all other interested persons who request notification shall be notified in writing by the Town Clerk of the decision of the Council. Prior to the Council reaching its decision, any application for rezoning or for amendment to this ordinance shall be referred to the Marion County Planning Commission for a period of sixty (60) days for review and recommendations.

Sec. 43. Violations.

- (a) It shall be unlawful for any person to fail to conform to any requirement of this ordinance or to permit or to begin any development or make use of any property before obtaining any necessary rezoning, variance or special use permit required by this ordinance.
- (b) Any complaint of a violation of this ordinance shall be considered by the Town Council, which shall determine the validity of the complaint. If a violation is found the Town Council may

notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Should compliance with the ordinance not be gained through this initial step, the Town Council may take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provision.

Sec. 44. Enforcement.

- (a) Enforcing officials. The Town Council shall designate such person or persons as may be necessary to administer and enforce the provisions of this ordinance.
- (b) Authority to enter on private property. Those persons designated to administer and enforce the provisions of this ordinance may, in the performance of such functions and duties, enter upon any land and make such inspections, examinations, and surveys as are required for the proper administration and enforcement hereof and may obtain any necessary search warrants therefor.
- (c) Violation a public nuisance. The provisions of this ordinance are deemed to be necessary for

the protection of the public health, safety, and welfare and for the protection of the peaceful use and enjoyment of any lands by the owners thereof, and any violation of the terms of this ordinance is declared by the Town Council to constitute a public nuisance.

(d) Means of enforcement. Enforcement of the terms of this ordinance may be gained through any or all of the following methods:

- (1) By initiating criminal prosecution of any violation through the office of the State Attorney;
- (2) By seeking the assistance of the Town Attorney in initiating an action to enjoin a public nuisance or obtain other civil relief;
- (3) By revoking any permit issued under this ordinance; or
- (4) By using any other means specified in any particular Article of this ordinance or otherwise provided by law or ordinance.

Sec. 45. Compliance.

It shall be unlawful for any person to make any use of any land, water, or building, or part thereof, except in accordance with the requirements of this ordinance.

Sec. 46. Approved forms; records.

Applications shall be made on such forms or forms as may be approved from time to time by the Town Council. The Town Clerk shall maintain an adequate supply of such forms. The Town Clerk shall also maintain file copies of all applications, approvals and denials of applications, Town Council interpretations of this ordinance, notices of revocation, approved permits, and adopted rezoning ordinances.

Sec. 47. Interpretation by Town Council.

If any person is in doubt as to the meaning or application of any provision of this ordinance, a request may be made of the Town Council as to the proper interpretation of this ordinance. Any interpretation made by the Town Council shall be limited to the specific facts identified in writing in the application for such interpretation.

ARTICLE X. MISCELLANEOUS

Sec. 48. Severability Clause.

Should any section or provision of this ordinance be declared by the courts to be invalid or unconstitutional, the validity of the ordinance as a whole or any part other than that part declared invalid or unconstitutional shall not be affected.

Sec. 49. Repealer Clause.

All other ordinances, codes, regulations or parts thereof in conflict with the provisions of this ordinance

are hereby repealed.

Sec. 50. Penalties.

- (a) Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor.
- (b) Any person who is convicted of violation of this ordinance or failure to comply with any of its requirements shall be fined not more than \$500.00 or imprisoned for not more than 60 days, or both, and in addition shall pay all costs and expenses incurred in the case.
- (c) Each day such violation continues, regardless of whether such violation is ultimately abated or corrected, shall be considered a separate offense.
- (d) The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- (e) Nothing contained in this section shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 51. Effective date.

This ordinance shall take effect immediately upon its adoption.

Adopted this _____ day of _____, 19____.

MAYOR

ATTEST:

TOWN CLERK

Date of public hearing: _____

Passed first reading: _____

Passed second reading: _____