

**Land Development Code
of the**



Adopted Date JULY 14 , 2020



Town of Oakland Land Development Code
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Article 1 General Provisions

Section 1.1. Title

This ordinance shall be entitled the "Town of Oakland Land Development Code". When hereinafter used, unless the context indicates otherwise, the terms "ordinance," "code," "zoning code," "zoning regulations," or "land development regulations" refer to the Town of Oakland Land Development Code.

Section 1.2. Legislative authority and binding effect

The legislative authority for the Town of Oakland Land Development Code is as follows:

- A. F.S. § 163.3202 mandates that local governments shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.
- B. F.S. § 163.3202 requires that land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall as a minimum:
 - 1. Regulate the subdivision of land.
 - 2. Regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open space.
 - 3. Provide for protection of potable water wellfields.
 - 4. Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management.
 - 5. Promote the protection of environmentally sensitive lands designated in the comprehensive plan.
 - 6. Regulate signage.
 - 7. Provide for concurrency management.
 - 8. Promote safe and convenient onsite traffic flow considering needed vehicle parking.

Section 1.3. - Legislative purpose, Intent and Scope

The purpose of the Town of Oakland Land Development Code is to assist implementation of the Town's Comprehensive Plan. More specifically the land development regulations are intended to carry out Comprehensive Plan policies concerned with land use; transportation and mobility; housing; public facilities, including potable water, sanitary sewers and drainage system, as well as groundwater recharge; parks; conservation; recreation and open space; intergovernmental coordination; capital improvements and fiscal management; and community appearance and architectural character and design.

Among other purposes the provisions herein are intended to provide adequate light, air, privacy and access to property; to avoid undue concentration of population by regulating and limiting the height, bulk, massing and style of buildings, the size of open spaces surrounding buildings, storage and materials of personal property, or any commercial activity; to establish building lines; to divide the area of the Town into districts restricting and regulating therein the construction, reconstruction, alteration, and use of buildings, structures and land for residential, commercial, industrial, educational, cultural, recreational, preservation and other specified uses; and to limit congestion in the public streets by providing off-street parking of motor vehicles and sufficient maneuvering area; to implement mobility and non-vehicular circulation plans for bicycles and pedestrians, and policies for and to define the powers and duties of the Planning and Zoning Board, the Appearance Review Board, and the Administrative Official/Town Planner appointed pursuant to the Charter and Code of Ordinances of the Town of Oakland, Florida.

Section 1.4. - Consistency with Comprehensive Plan.

The Town of Oakland's Land Development Code, pursuant to F.S. §§ 163.3201 and 163.3202, is adopted to assist in carrying out the desired general policies of the Comprehensive Plan for managing the use of land and water within the Town of Oakland. The land development code shall remain consistent with the Comprehensive Plan as mandated by F.S. Ch. 163, pt. II, County and Municipal Planning and Land Development Regulation. The land development code shall be amended as necessary to ensure consistency with the Town of Oakland's Comprehensive Plan.

Section 1.5. Applicability.

- A. General applicability. The land development code shall apply to all development or changes in land use throughout the Town of Oakland. No development, as defined herein, or change in land use shall be undertaken without prior authorization pursuant to this Code.
- B. Status of previously issued construction permits. The provisions of this Code and any amendments thereto shall not affect the validity of any lawfully issued and effective construction permit if:
 - 1. The development activity authorized by the permit has been commenced prior to the effective date of this Code or will be commenced after the effective date of this Code but within 60 days following the issuance of a valid building permit granted prior to the effective date of this Code; and
 - 2. The development activity continues without interruption (except because of war or natural disaster) until the development is complete. If the construction permit expires, any further development on that site shall occur only in conformance with the requirements of this Code or as hereinafter may be amended.
- C. Status of previously approved development plans. Projects with unexpired development plans on which development activity is taking place at the time this Code or an amendment thereto is adopted must meet only the requirements of the regulations in effect when the development plan was approved, unless otherwise provided in the development plan. However, such site plans shall terminate 12 months from the effective date of this ordinance if construction has not been started as evidenced by steady and continuous progress, including the pouring of footings by said termination date. If the development plan expires, any further development on that site shall occur only in conformance with the requirements of this Code or as this Code hereafter may be amended.

If the cause of the developer's failure to proceed is beyond the developer's control, the Administrative Official may review the conditions and determine if an extension is appropriate. The Administrative Official may grant no more than two site plan extensions. No single site plan extension shall exceed six months. Prior to granting a site plan extension, the Administrative Official shall render a finding that a valid concurrency facilities reservation is in effect for the duration of the extension period.

Section 1.6. Interpretation and conflict.

- A. General interpretations. In the interpretation and application of this Code all provisions shall be: (1) considered as minimum requirements for the promotion of the public health, safety, morals and general welfare; (2) liberally construed in favor of the Town, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

- B. Conflicts. More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.
- C. Where the provisions of the Code appear to conflict with another law, the most restrictive provision shall govern.

Section 1.7. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.

Section 1.8. Repeal of Prior Regulations.

All prior rules, regulations and ordinances inconsistent with this Ordinance are hereby repealed simultaneously with the adoption of this Ordinance.

Section 1.9. Official District Maps

1.9.1 Zoning District Boundaries

The boundaries of the various districts are shown on a map in the Office of the Oakland Town Clerk, entitled "Official Zoning Map," or simply "the Map", and the "Design District Map" or simply "Design Map" which is made a part of this Ordinance. The district boundaries are as stated in the most recently amended ordinance(s) that establish and/amend the Official Zoning Map and Design District Map. The Map and Design Map, together with all notations, references and other information shown thereon, shall be as much a part of this Ordinance as if all the matter and information set forth by said map were fully described herein. The Administrative Official shall compile and update both District Maps which may be depicted in digital format or hard copy/paper format.

1.9.2 Rules of Interpretation of Zoning District and Design District Boundaries

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

- A. Where district boundaries are indicated as approximately following the center lines of streets, highways or alleys, such center lines shall be construed to be such boundaries.
- B. Where district boundaries are indicated as approximately parallel to the center lines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map and Official Design District Map. If no distance is indicated specifically on the Zoning Map and the Design District Map, the scale of the map shall determine.
- C. Where district boundaries run to, but do not extend into water areas, they shall be considered to run into such water areas in a straight line continuing the prevailing direction of the boundary as it approached the water until they intersect other district boundaries or the geographic limits of the Town. Boundaries which run through water courses, lakes and other water areas shall be assumed to be located midway in such water areas unless otherwise indicated.

- D. Where district boundaries are indicated as approximately following platted lot lines, such lot lines shall be construed to be the district boundaries.
- E. Where district boundaries are indicated by specific dimensions, these shall control.
- F. Where district boundaries divide platted lots or cross unsubdivided property, and where no specific dimensions are indicated on the Official Zoning Map and the Design District, the scale of the Official Zoning Map and Design District Map shall control.
- G. Where the street or property layout or other physical feature existing on the ground are at variance with the Official Zoning Map, or where other uncertainties exist as to the interpretation of the Official Zoning Map and Design District Map, the Administrative Official shall interpret the Map to fix the exact location of the zoning district boundaries.

Section 1.10 Interpretation and Application of Zoning Code.

The Administrative Official shall interpret these land development regulations including but not limited to the meaning of terms and words as well as zoning district and design district boundaries.

Section 1.11 Violations

Violation of the provisions of the Land Development Code shall be subject to code enforcement provisions set forth in the Town of Oakland Code of Ordinances. Any violation of the previous Zoning Code/LDC and other regulations replaced by this Zoning Code/LDC shall continue to be a violation under this LDC and subjected to the penalties set forth in the Town Code.

Section 1.12 Issuance of Development Orders while Amendments Pending

No development order shall be issued when an amendment to the LDC is pending before the Planning and Zoning Board or Town Commission, which amendment, if adopted, would render the proposed development nonconforming.

Section 1.13 Development Approvals and Permits under Prior Land Development Code

- A. All development approvals or permits approved before July 14, 2020 remain valid until their expiration date, and may be carried out in accordance with the terms and conditions of their approval, and the development standards in effect at the time of approval, as long as they remain valid and have not expired or been revoked or substantially modified. If the approval or permit expires or is revoked (e.g., for failure to comply with the terms and conditions of approval) or substantially modified, all subsequent development of the site shall comply with the procedures and standards of this LDC.
- B. No provision of this LDC requires any change in the plans, construction, or designated use of any structure for which a building permit was issued prior to July 14, 2020
- C. To the extent a prior-approved application proposes development that does not comply with this LDC, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 8: Nonconformities.
- D. Any re-application for an expired development approval or permit shall comply with the standards in effect at the time of re-application.

Section 1.14 Nonconformities

Nonconformities are allowed to continue, and are encouraged to receive routine maintenance in accordance with the requirements of this section as a means of preserving safety and appearance.

1.14.1 Nonconformities General

- A. Minor repairs and maintenance.
Minor repairs and normal maintenance that are required to keep nonconforming uses, structures, lots of record, signs, and site features in a safe condition are permitted. For the purposes of this subsection "minor repair or normal maintenance" means: Repairs that are necessary to maintain a nonconforming use, structure, lot of record, sign, or site feature in a safe condition; and maintenance of land areas to protect against health hazards and promote the safety of surrounding uses.
- B. Change of tenancy or ownership
No change of title or possession or right to possession of land involved shall be construed to prevent the continuance of such nonconformity.

1.14.2 Nonconforming Uses

Nonconforming uses are declared generally incompatible with the permitted uses in the zoning district in which they are located and with the provisions of this LDC. Nonconforming uses shall be subject to the standards in this section.

- A. Extension, expansion, or relocation
A nonconforming use shall not be extended, expanded, or moved to occupy a different area of a structure or lot, except an existing nonconforming use may extend into any portion of a structure that was clearly designed or arranged for the particular use when the use became nonconforming.
- B. Discontinuance or abandonment of nonconforming use
 1. If a nonconforming use ceases to operate or is discontinued or abandoned for a period of six consecutive months or longer, it shall not be reestablished and shall only be replaced with a conforming use.
 2. Time spent renovating or repairing a structure that houses the nonconforming use is not considered a discontinuance of the use, provided:
 - a. All appropriate development permits are obtained;
 - b. The renovation or repair is completed within 18 months after commencement of the repair or renovation;
 - c. The use is reestablished within one month after completion of the renovation or repairs; and
 - d. Any discontinuance of use caused by government action without the contributing fault by the nonconforming user shall not be considered in determining the length of discontinuance.

1.14.3 Nonconforming Structure

Where a nonconforming principal structure contains a conforming use, only the nonconforming structure is subject to the standards and limitations in this section. Where a nonconforming structure contains a nonconforming use, the nonconforming structure is subject to the standards and limitations of this section and the nonconforming use is subject to the standards and limitations in Sec 1.14.2 Nonconforming Uses.

- A. Enlargement or alteration.
A nonconforming structure shall not be enlarged or structurally altered in any way that increases the nonconformity.
- B. Reconstruction or repair
Reconstruction or repair of a nonconforming structure damage as a result of a natural disaster or other unforeseen and unpreventable accident or occurrence shall be subject to the following provisions:
 1. If a nonconforming structure is damaged, the structure may be reconstructed or repaired if:
 - a. The reconstruction or repair does not increase, expand, enlarge, or extend the degree of nonconformity; and

- b. The reconstruction or repair begins within one year after the damage and is diligently pursued to completion.

Section 1.15 Effective Date.

This Ordinance shall take effect on the day following final adoption by the Town Commission on July 14, 2020 and repeals and replaces in its entirety the Land Development Code as originally adopted in 1999, and subsequently amended.



ARTICLE 2

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Article 2 Administration

Section 2.1 Purpose and Intent

This article sets forth the review and approval procedures and standards for all development applications under this LDC.

Section 2.2 Administrative Official

- A. The Administrative Official, also known as Town Planner or Director of Planning and Zoning, shall be appointed by the Town Manager. The Administrative Official shall administer and enforce the land development code. The Administrative Official may appoint other Town employees to assist the Town as may be necessary to enforce the provisions of this ordinance. Other duties may include the following.
1. Consult with, receive input from, and send site plans as well as meeting agendas to the other Town staff and departments including but not limited to public works, attorney, police chief, fire chief, building official, town designer or their respective designees as appropriate.
 2. Establish and schedule meetings, with or without applicants, as necessary to review applications and development project submittals.
 3. Review site plans, building plans, subdivisions, planned developments, rezoning requests, special exception uses, dimensional variances and administrative adjustments, as required and/or permitted in this Code, and make determinations of the plan's consistency with this Land Development Code and other applicable laws and ordinances of the Town.
 4. For applications that require Board and/or Commission review, provide technical comments to the appropriate board and the Town Commission per procedures and requirements of this Code.
 5. Publish applications and other related documents to facilitate the orderly processing and review of land development projects, site plans, subdivision plans, planned developments and other matters as assigned by the Town Manager and as set forth by this Code.
- B. The Administrative Official shall have the authority to grant the following applications:
1. Site Plans for Single Family Dwellings on lots or parcels of record that meeting the requirements of this code.
 2. A setback variance in residential zoning classifications when the variance requested is equal to or less than ten (10) percent of the setback requirement provided;
 3. A variance to a substandard residential or multi-family lot when the variance requested is less than or equal to ten (10) percent of the lot area requirement.
 4. If the application for a variance is denied by the Administrative Official, such variance may be requested to the Planning and Zoning Board in accordance with the provisions of Article 1.

Section 2.3 Advisory and Decision Making Bodies

2.3.1 Town Commission

- A. In addition to authorities granted to the Town Commission by the Florida Constitution and State law, the Town Commission has the following powers and duties under this LDC:
1. To review and decide the following:

- a. Text Amendments to the Comprehensive Plan and this code;
- b. General Map Amendments to the Future Land Use Plan Map of the Future Land Use Element of the Comprehensive Plan;
 - i. Site-specific map amendments and Rezoning;
 - ii. Planned developments;
 - iii. Development Plans (site plans);
 - iv. Plats.
- c. To hear and decide appeals for the following:
 - i. Special exception permits
 - ii. Minor development plans
 - iii. Zoning Variances
 - iv. Administrative adjustments
- d. To establish by resolution a schedule of fees for the applications for development applications reviewed under this LDC.
- e. To appoint and remove in accordance with State law members of the Planning and Zoning Board and the Appearance Review Board.
- f. To take any other action authorized by law.

2.3.2 Planning and Zoning Board

A Planning and Zoning Board ("P&Z Board") is hereby established which shall consist of five (5) members who are to be appointed by the Town Commission, each for a term of three (3) years. Two alternate members of the Planning and Zoning Board may be appointed by the Town Commission. In the event that a member of the Planning and Zoning Board is not present at a meeting, a duly appointed alternate member shall have the authority to vote at meeting of the Planning and Zoning Board. The Chairman shall decide which alternate shall vote if both alternates are present and only one is needed to provide five voting members of the board.

- A. Organization and members. The members of the P&Z Board shall elect one of its members to serve as Chairman. The term of the Chairman named by the P&Z Board shall be for a period of one year; provided, however, nothing shall prevent the P&Z Board from naming a successor Chairman to succeed current chair. Each member of the P&Z Board must be a resident of the Town of Oakland. Members of the P&Z Board may be removed from office by the majority affirmative vote of the Town Commission for cause. Members may be removed by the Mayor for failure to attend two (2) consecutive regularly scheduled meetings, or for failure to attend three (3) of five (5) regularly scheduled meetings in a row. The chairman shall notify the Mayor when such a situation exists. The Mayor shall consider whether extenuating circumstances prevail, and either retain or remove that member accordingly. Vacancies shall be filled by the Mayor and confirmed by the majority vote of the Town Commission for the unexpired term of the member affected. Members of the P&Z Board shall receive no salaries or fees, but may receive necessary travel, per diem, and other expenses while on official business for the Town.
- B. Meetings and records. The P&Z Board shall hold regular meetings at such time as the P&Z Board may determine or at the call of the Chairman for the consideration of business before the P&Z Board. All regular and special meetings of the P&Z Board shall be open to the public. The time and place of meetings, and the order of

business and procedure to be followed at meetings, shall be prescribed by the Planning and Zoning Director. Three (3) members of the P&Z Board shall constitute a quorum and the affirmative vote of a majority of those present shall be necessary for any action thereof. A written record of the proceedings of the P&Z Board shall be kept, showing its action on each question considered. Such record shall be filed in the office of the Town Clerk and shall be open for public inspection.

C. Authority and duties of the Planning and Zoning Board. The P&Z Board shall have the following authority and duties:

1. To act in an advisory capacity to the Town Commission on questions relating to zoning and to conduct investigations on matters or proposals to change zoning regulations and report its findings and recommendations on such proposals to the Town Commission.
2. Recommend amendments. Recommend to the Town Commission such as amendments to this Ordinance as the P&Z Board may deem proper and expedient or necessary to clarify or to carry into effect the purposes thereof.
3. Advise on applications. Hear applications and submit recommendations to the Town Commission on the following:
 - g. Proposed amendments to the Comprehensive Plan pursuant to Florida Statute 163 Part II;
 - h. Proposed amendments to the Zoning Code including the Official Zoning Map pursuant to Florida Statutes 163 Part II. In connection with any recommendation by the P&Z Board of a change in zoning, the P&Z Board shall include any conditions, requirements or limitations to be attached to the use which the P&Z Board may believe to be necessary and desirable to protect adjacent properties and the surrounding neighborhood, and to carry out the purposes and objectives of this ordinance;
 - i. Proposed site plans and subdivision plans;
 - j. Proposed planned developments (PDs).

D. Review Criteria. In reviewing and formulating recommendations to the Town Commission on requested or proposed changes in the zoning ordinances, the Planning & Zoning Board shall consider and evaluate the changes in relation to all pertinent factors, including the following:

1. Compatibility of permitted uses and allowed intensity and density with surrounding existing development;
2. The character of the district and its peculiar suitability for particular uses;
3. Conservation of the value of buildings and encouraging the most appropriate use of land throughout the Town;
4. The applicable portions of any current town plans and programs such as land use, traffic ways, recreation, schools, neighborhoods, utilities, stormwater management and housing;
5. The needs of the Town for land areas for specific purposes to serve population and economic activities;

6. Whether there have been substantial changes in the character or development of area in or near an area under consideration for rezoning;
7. Economic impact to the Town based on competent and substantive evidence;
8. The goals, objectives and policies of the comprehensive plan.

E. Dimensional Variances. The term “Dimensional Variance” in this code means to vary dimensional requirements and may also be referred to simply as “variance.” The P&Z Board is authorized to consider a variance application from the terms of the Zoning Code.

1. The P&Z Board is authorized to approve, deny or approve with conditions any dimensional variance involving a single family dwelling. In such cases the P&Z Board’s action is final.
2. The Planning and Zoning Board shall consider and make recommendation to the Town Commission for dimensional variance applications that involve uses other than a single family dwelling.

2.3.3 Land Planning Agency

A. Land Planning Agency (LPA). Pursuant to and in accordance with F.S. § 163.3174, of the Local Government Comprehensive Planning and Land Development Regulation Act, the Town of Oakland’s Planning and Zoning Board is hereby designated and established as the Local Planning Agency (LPA) for the Town. The Planning and Zoning Board as the Local Planning Agency shall abide by all the applicable provisions of the Town Charter, as amended, and F.S. Ch. 163, pt. II, Local Government Comprehensive Planning and Land Development Regulation.

The Planning and Zoning Board, as the Local Planning Agency, shall direct the following activities:

1. Conduct the comprehensive planning program pursuant to F.S. § 163.3174.
2. Coordinate said Comprehensive Plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the state.
3. Prepare the Comprehensive Plan, and, during preparation of the Comprehensive Plan prior to any recommendations to the Town Commission, the Planning and Zoning Board shall hold at least one public hearing with due public notice on the proposed plan or element, or portion thereof.
4. Monitor and oversee the effectiveness and status of the Comprehensive Plan and recommend to the Town Commission such changes in the Comprehensive Plan as may be required from time to time pursuant to procedures, criteria and directives identified in the Town of Oakland Comprehensive Plan. The Comprehensive Plan monitoring and evaluation process shall also be compatible with F.S. § 163.3191, including preparation of periodic reports.
5. Review proposed land development regulations or amendments thereto and make recommendations to the Town Commission as to the consistency of the proposal with the adopted Comprehensive Plan or element, or portion thereof, for purposes of implementing the Comprehensive Plan.
6. Perform any other functions, duties and responsibilities assigned to it by the governing body or by general law or special law.
7. All meetings of the Planning and Zoning Board shall be public meetings, and Board records shall be public records.

2.3.4 Appearance Review Board

An Appearance Review Board ("ARB") is hereby established. The ARB's purpose focuses upon architecture and buildings, specifically implementing the Design Districts regulation contained in this Land Development Code that requires maintaining the Town's traditional architectural character and appearance. The ARB which consist of five (5) members who are to be appointed by the Town Commission, each for a term of two (2) years, except for the five (5) members first appointed, two shall be appointed for one year, and three (3) shall be appointed for two (2) years. Two alternate members of the Appearance Review Board may be appointed by the Town Commission. In the event that a member of the Appearance Review Board is not present at a meeting, a duly appointed alternate member shall have the authority to vote at the meeting of the Board. The Chairman shall decide which alternate shall vote if both alternates are present and only one is needed to provide five voting members of the board.

- A. Organization and members. The members of the ARB shall elect one of its members to serve as Chairman and another to serve as Vice Chairman to preside over meetings when the Chairman is not present. The terms of the Chairman and Vice-Chairman named by the ARB shall be for a period of one year; provided, however, nothing shall prevent the ARB from naming a Chairman or Vice-Chairman to succeed himself or herself. Each member of the ARB must be a resident of the Town of Oakland. The ARB shall include three (3) members that are recognized practitioners in any one of the following fields: Architecture, engineering, landscape architecture, urban design, community planning, building/construction, or related field. Members of the ARB may be removed from office by the majority affirmative vote of the Town Commission for cause. Members may be removed by the Mayor for failure to attend two (2) consecutive regularly scheduled meetings, or for failure to attend three (3) of five (5) regularly scheduled meetings in a row. The Chairman shall notify the Mayor when such a situation exists. The Mayor shall consider whether extenuating circumstances prevail, and either retain or remove that member accordingly. Vacancies shall be filled by the Mayor and confirmed by the majority vote of the Town Commission for the unexpired term of the member affected. Members of the ARB shall receive no salaries or fees, but may receive necessary travel, per diem, and other expenses while on official business for the Town.
- B. Meetings, quorum and records. The ARB shall hold regular meetings at such time as the Planning and Zoning Director may determine or at the call of the Chairman for the consideration of business before the Board. All regular and special meetings of the ARB shall be open to the public. The time and place of meetings, and the order of business and procedure to be followed at meetings, shall be prescribed by the Planning and Zoning Director. Three (3) members of the ARB shall constitute a quorum and the affirmative vote of a majority of those present shall be necessary for any action thereof. A written record of the proceedings of the ARB shall be kept, showing its action on each question considered. Such record shall be filed in the office of the Town Clerk and shall be open for public inspection.
- C. Authority and Duties of the ARB. Other than single family homes which may be reviewed by Town staff for Design District compliance, the ARB shall review development proposals to ensure that proposed structures conform to the Design District standards provided in this Code and are consistent with the general character of the area in which they are located, and the ARB shall then make recommendations on those subjects to the Planning and Zoning Board which makes recommendations to the Town Commission for final action. The ARB may make recommendations on dimensional variances to the Design District requirements, special exceptions or variances

and recommend same to the Planning and Zoning Board.

2.3.5 Enforcement

While the Town Planner shall implement and otherwise enforce the provisions of this Code, punitive measures to enforce this code shall be through the Town of Oakland's code enforcement procedures and processes which are based on state law and Town procedures established by the Town Commission, Town Manager, Town Attorney, and/or the Town Clerk.

Section 2.4 Application Requirements and Procedures

2.4.1 Public Notice

"Public notice" as used in connection with the phrase "public hearing," "hearing with due public notice," or similar phrase, referring to applications and appeals in which there is to be a public hearing of the Town Commission or of the Planning and Zoning Board as provided for in this section shall be satisfied as stated below:

- A. Notice for Comprehensive Plan Amendments: Legal notice shall comply with Florida Statutes.
- B. Notice for Rezoning:
 - 1. Legal notice (newspaper publication) shall comply with Florida Statutes.
 - 2. Letter Notice to Adjacent Property Owners is preferred but not required. One mailing may be sent to owners of property within close proximity of the property lines of the property involved in a rezoning. Such notice shall contain the time, day, and place of anticipated public hearing(s).
 - 3. Posted notice (posted sign): For applications affecting less than five percent of the total land area of the Town, a sign(s) provided by the Administrative Official should be posted at least ten (10) days prior to the date of the public hearing.
 - 4. When an agenda item for a public hearing is continued to a date certain, no further notice or advertisement shall be required. When a hearing is tabled or postponed without a date certain, the hearing and any subsequent hearing that may have been advertised and noticed shall be re-advertised and re-noticed in accordance with the requirements of this section.
- C. Notice for Special Exceptions.
 - 1. Legal Notice may include a newspaper advertisement or a notification on the Town of Oakland's official web site at least 10 days prior to public hearing
 - 2. Letter Notice to Adjacent Property Owners. One mailing may be sent to owners of property within close proximity of the property lines of the property involved in a special exception, and that notice should contain the time, day, and place of anticipated public hearing(s).
 - 3. Posted notice (posted sign): The Administrative Official may post signs on the property, preferably ten (10) days prior to the date of the public hearing.
 - 4. When an agenda item for a public hearing that was duly advertised and noticed in accordance with this section is continued to a date certain, no further notice or advertisement shall be required. When a hearing is tabled or postponed without a date certain, the hearing and any subsequent hearing that may have been advertised and noticed may be noticed on the Town of Oakland's official web site pursuant to Town Agendas.

D. Notice for Dimensional Variances

1. Initial Legal Notice may include a newspaper advertisement or a notification on the Town of Oakland's official web site at least 5 calendar days prior to public hearing.
2. Letter Notice to Adjacent Property Owners. One mailing should be sent to owners of property adjacent to the property lines of the property involved and that notice shall contain the time, day, and place of anticipated public hearing(s).
3. Posted notice (posted sign): The owner or his or her duly authorized agent, or for applications initiated by the Town, a Town staff member or contractor hired by the Town, may post signs provided by the Administrative Official preferably (10) days prior to the date of the public hearing.
4. When an agenda item for a public hearing is continued to a date certain, no further notice or advertisement shall be required. When a hearing is tabled or postponed without a date certain, the hearing and any subsequent hearing that may have been advertised and noticed should be noticed on the Town of Oakland's official web site pursuant to Town Agendas.

2.4.2 Development Fees

The Town Commission may from time to time establish by resolution such fee schedules as said Commission shall deem equitable and necessary. The Town is authorized to assess and collect fees, deposits, costs and expenses relating or pertaining to the review, inspection, regulation and related activities pursuant to this Code of Ordinances regarding Pass Through of Development Review Fees. The petitioner(s)/applicant shall assume the cost of public notice, administrative review fees, application fees as adopted by resolution and other costs pertaining to public hearings.

2.4.3 Permits

2.4.3.1 Tree Removal Permit Required

Permits for removal, relocation, or replacement of trees covered herein shall be obtained by making application to the Town. All applications shall be accompanied by such permit fee as determined by Town Commission. Each application shall include a written statement indicating the reasons for the requested action. It is the responsibility of the applicant to include sufficient information for the town to evaluate the request.

2.4.3.2 Tree Removal Permit Exemption

- A. Statutory Exemptions. Florida Statutes 163.045 specifically prevents local governments from permitting the pruning, trimming or removal of trees on residential property provided the owner obtains documentation that the tree presents a danger to persons or property. Documentation must be from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect. Examples include but are not limited to trees that are too close to the residential building or trees that prevent septic tanks from operating properly. Note: The Town may request documentation by a certified arborist or a licensed landscape architect if the owner has pruned, trimmed or removed a tree(s) without a Town permit.
- B. Removal or alteration of a specimen tree is prohibited, unless one of the following conditions exist and is approved by the Town:
 1. Tree is located in a buildable area, yard area, or street right-of-way where a structure or improvement

is to be placed and for which an arbor permit application has been filed, and it unreasonably restricts the permitted use of the property. Also see statutory exemptions above.

2. Tree is diseased, injured, or in danger of falling too close to existing or proposed structures so as to endanger such structures, interferes with utility services, or creates unsafe vision clearance or affects the safety, health, and welfare of the public.
 3. Tree is of a species that is listed as a nuisance plant under this code.
- C. All trees that are removed or destroyed shall be relocated or replaced in accordance with tree replacement section of this code. Note that this provision is exempted for residential property because Florida Statutes prohibits local government from requiring such tree replacement for single family residential properties.
- D. Tree trimming or pruning: Again, this provision is exempted for single lot residential property because Florida Statutes prohibits local government from requiring such tree replacement in such circumstance.
1. Pruning of trees at a level of at least three (3) feet above the ground and limbs less than four inches in diameter will not be considered an alteration for which a permit will be required.
 2. Any person, company, partnership, corporation, or service that administers tree maintenance practices within the town shall adhere to the National Arborist Association Standards which are hereby adopted by reference into this code.
 3. All protected trees within the town, other than those delineated as nuisance trees, shall be trimmed in accordance with the provisions of the National Arborist Association Standards.
- E. Tree Topping on Public Property. It shall be unlawful as a normal practice for any person, firm, or Town department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy or disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this ordinance at the determination of the Town Planner or designee.

2.4.3.3 Site Development/Construction Permit and Plan Requirements

A site development/construction permit is required for construction of site improvements such as subdivisions and infrastructure. Such construction or development that is included and otherwise reflected in a building permit does not require a separate site development permit.

2.4.3.4 PUD Approval

The Town Commission may approve a PD only after competent, substantial evidence has been presented that allows the commission to make the following findings:

- A. The request is consistent with the comprehensive plan and the future land use map;
- B. The design and layout of all structures will enhance and preserve the Town's character and is in conformance with the Town's Gateway Corridor Overlay design standards;

- C. The proposed rezoning will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties;
- D. Adequate facilities are available or a development agreement has been established that will provide these improvements in a reasonable time frame;
- E. The proposed rezoning will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area;
- F. The rezoning will not significantly increase the vehicular traffic on the existing roadway network nor in adjacent residential neighborhoods without mitigating measures;
- G. The feasibility and compatibility of the individual phases or stages of development contained in the Land Use plan can exist as an independent development; and
- H. The development has incorporated existing natural features and vegetation, especially tree preservation, into the overall design of the development.

2.4.4 Variances

- A. Purpose. The purpose of this section is to provide limited relief from the requirements of this Code in those cases where strict application of those requirements will create a practical difficulty or unnecessary hardship because of some rare and unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested.
- B. Limitations on Granting of Variances. Variances may be granted for no other purpose than to allow a single lot or parcel to depart from the dimensional regulations of this Code that restrict the following matters:
 - 1. Minimum floor area per dwelling unit;
 - 2. Lot dimensions;
 - 3. Required yards, buffers, or setbacks;
 - 4. Parking and driveway requirements;
 - 5. Landscaping and buffering requirements;
 - 6. Maximum lot coverage; and
 - 7. Maximum building and fence height.
- C. Prohibitions. Under no circumstances shall the Planning and Zoning Board grant a variance to permit a use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the zoning district. No nonconforming use of neighboring lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of the variance.
- D. Review Procedures. All applications shall be initially reviewed by the Town Planner for completeness.
 - 1. The Town Planner shall deliver to the Planning and Zoning Board a copy of the application and a written report summarizing the facts of the case including relevant documents and incorporating or summarizing the comments from the appropriate reviewing departments (or DRC if deemed appropriate by the Town Planner based upon the nature of the application). The Planning and Zoning Board will schedule a date for a public hearing.
 - 2. The Planning and Zoning Board shall conduct a public hearing.

3. Upon receiving the testimony of the applicant and comments from affected property owners during the public hearing, the Planning and Zoning Board shall rule upon the application upon finding that all the standards set forth in this section have been satisfied.
 4. The Planning and Zoning Board in rendering its decision may approve, approve with conditions, or deny the variance.
- E. Review Criteria. In order to authorize any variance from the terms of the Code, the Planning and Zoning Board must find:
1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved in which are not applicable to other lands, structures, or buildings in the same zoning district;
 2. That the special conditions and circumstances do not result from the actions of the applicant;
 3. That granting the requested variance will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings, or structures in the same zoning district;
 4. That literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Code and would cause unnecessary and undue hardship to the applicant;
 5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
 6. That the granting of the variance will be in harmony with the general intent and purpose of the Code and that such variance will not be injurious to the area involved or otherwise be detrimental to the public welfare.
- F. Conditions. In granting any variance, the Planning and Zoning Board may prescribe appropriate conditions and restrictions upon the variance as may be necessary to comply with the requirements of this section and the Code in order to prevent or minimize adverse effects on other property in the vicinity. Such conditions may include, but shall not be limited to limitations on size, bulk and location, requirements for landscaping, signage, lighting, and the provision of adequate ingress and egress, hours of operation, and the mitigation of environmental impacts. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.
- The Planning and Zoning Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.
- G. Effect of Approval. The granting of a variance authorizes the applicant to proceed with any additional applications for development approval, certificates of occupancy, and other permits which the Town may require for any proposed development of the property.
- H. Expiration and extension. Unless otherwise approved by the Town Commission, variances shall expire within one (1) year of approval if a building permit or certificate of occupancy for such use is not issued. The Town Commission may grant successive one-year extensions if the developer makes written request to the Town prior to the expiration date.

2.4.4.1 PD Variances

Individual variances are not permitted in the Planned Development zoning district because the intent of the PUD district is to allow flexibility in the planning stage of the development. This flexibility of design normally takes into account those matters which might otherwise be the subject of variance review by the Planning and Zoning Board, and any variation

from conventional zoning standards has been complemented with other design features throughout the PUD. If a variance is deemed necessary through oversight, the change may be processed as an alteration to the Land Use or Development Plan as provided in this Chapter.

2.4.4.2 Variances/Adjustments to subdivision regulations.

Variances and administrative adjustments may be considered in conjunction with the review of a preliminary subdivision plat subject to the following:

- A. A variance/adjustment application must be submitted with the accompanying application fee and support documentation.
- B. The review criteria contained in Section 2.4.4 shall apply. However, Planning and Zoning Board review/approval is not necessary. The Town Commission may approve such variances.

2.4.5 Special Exception Use

- A. The following procedures shall apply for applications for Special Exception Use.
 1. Pre-Application Conference. The applicant of a Special Exception Use shall attend a pre-application conference with the Town Planner as specified in Sec. 2.4.7 Pre-application Conference.
 2. Application Submittal. A completed application shall be submitted and reviewed by the Town Planner for completeness prior to consideration by the Planning & Zoning Board. An application for Special Exception Use may be submitted concurrently with any other applicable reviews (platting, site development plan, etc.).
 3. Planning & Zoning Board Review. The Planning & Zoning Board shall provide a recommendation to the Town Commission to approve, approve with conditions, or deny the application for Special Exception Use.
 4. Town Commission Review. Based on the review of the application and compliance with the review criteria, the Town Commission shall approve, approve with conditions, or deny the application for Special Exception Use Permit.

- B. Review Criteria:

Applications for Special Exception Use approval shall meet the following criteria to be approved:

5. The proposed use is consistent with the Comprehensive Plan, including but not limited to existing land use patterns and future uses;
 6. The proposed use and Site Development Plan are consistent with applicable sections of the Code;
 7. Necessary public utilities are available to the proposed site and have adequate capacity to service the proposed use and development;
 8. Adequate measures shall already exist, or shall be taken, to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets;
 9. The use or development is serviced by streets of adequate capacity to accommodate the traffic impacts of the proposed use;
 10. Screening and buffers are proposed of such type, dimension and character to improve compatibility and harmony of the proposed use and structure with the uses and structures of adjacent and nearby properties;
 11. The proposed use does not adversely affect the health, safety, and welfare of the public; and
 12. When applicable, conditions have been placed including requiring reasonable time limits on the development being proposed to mitigate potential impacts.
- C. Effect of Approval.

1. Approval of a Special Exception by the Town Commission shall authorize the applicant to proceed through the development process required pursuant to this Code.
 2. Upon satisfactory completion of all required improvements and applicable approvals required pursuant to the Code, the conditional use permit shall authorize the continued existence of the approved use, structure and improvements, subject to any conditions of the conditional use permit, the requirements of this Code and applicable law.
- D. Expiration or Abandonment of Conditional Use Permit
1. Unless otherwise provided in the approval of the Special Exception Use Permit by the Town Commission, a conditional use permit shall automatically expire one (1) year after the date of approval if the next approval in the process (final site plan approval, building permit, or certificate of occupancy) has not been issued.
 2. A conditional use permit for any use that is discontinued for longer than one (1) year shall be deemed abandoned and rendered invalid. Such use may be reestablished only through the approval of a new conditional use permit pursuant to this section.

2.4.6 Administrative Site Plan Review and Approval

To increase business activity in abandoned and inactive buildings and to provide an abbreviated review and approval process for minor redevelopment, small redevelopment projects and minor expansions of existing development shall be reviewed administratively in accordance with the provisions of this section. For the purposes of this section, redevelopment means a change in use from non-use or an existing use to a different permitted use in the applicable zoning district. Redevelopment does not include existing vacant land regardless of whether the existing vacant land had building(s) or structure(s). Redevelopment means a 25 percent increase or less in the square footage of any structure and/or an increase in impervious surface subject to vehicular traffic of less than 4,000 square feet. If the square footage of any structure on the property being developed is increased by more than 25 percent or the impervious surface subject to vehicular traffic is increased by 4,000 square feet or more, then the administrative site plan review option will not apply and the site plan must be submitted in accordance with the other provisions of these land development regulations.

The Town Planner shall have the authority to review, approve, and deny administrative site plans as provided for in this section.

2.4.7 Pre-application Conference

Prior to filing for site plan or preliminary plat review, which is recommended for all nonresidential development, multi-family developments, and residential subdivisions, the developer shall meet with the Town Planner, or designee, to discuss the development review process.

The purpose of meeting is to acquaint the applicant with the requirements and procedures of the land development code and to determine the appropriate application process as provided for in this Code.

The submittal requirements for the optional review by the Town Planner are as follows:

1. A map showing the general location of the property.
2. An aerial map of the property.
3. A boundary survey or other scaled delineation of the parcel.

4. A map of the land use designations for the site and the surrounding area within 500 feet of the property.
5. A map of the design district designations for the site and the surrounding area within 500 feet of the property, including proposed streets.
6. A conceptual site plan (if applicable)

During the pre-application conference, the Town Planner may determine to waive submittal requirements under these land development regulations, if the requirements are unnecessary based upon the size, nature, and complexity of the proposal.

No person may rely upon any comment concerning a proposed site plan, or any expression of any nature about the proposal made by the participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

2.4.8 Community Meetings

Applicants seeking specified types of developments may hold a community meeting(s), as determined by the Town, to address community concerns related to the proposed development prior or subsequent to submittal of the application to increase community awareness and participation. The Town Planner shall have the authority to require such a community meeting.

2.4.9 Submittal Requirements

The following table provides the Town's submittal requirements, by type. It is a recommendation, not a requirement for applicants to attend a pre-application conference with the Town Planner as described in Sec. 2.4.7 Pre-application conference.

Process Information/Data	Comprehensive Plan Amendments – Future Land Use Plan Map Amendments – Comprehensive Plan Text Amendments	Rezoning – Zoning Map Amendments – Zoning Code Text Amendments – Special Exceptions to the Zoning Code	Dimensional Variances – Variances – Waivers – Waivers of Application Requirements	Master Plans – Planning Unit Development Master Plans – Land Use Plans – Master Development Plans
A general location map	X	X	X	X
A recent aerial of the site and the surrounding area within 200 feet, noting road access points, adjacent land use designations and design districts	X	X	X	X
A boundary survey or scaled delineation of the property and existing structures and improvements with setbacks noted, registered Florida surveyor may be required		X	X	
Legal description	X	X	X	X
Property owners of record	X	X	X	X
Proof of ownership, may include legal instruments acceptable to Town Attorney	X	X	X	X
Proposed development/redevelopment plan with land uses and structures noted, including off-street parking, impervious coverage, designated open space, and other proposed improvements				
Existing easements, streets and rights-of-way		X	X	
Existing and Proposed Buildings			X	
Existing trees greater than or equal to 6 inches dbh			X	
Environmentally sensitive areas, soils, watercourses, flood hazard areas		X	X	X
Existing topographic contours of the site at 5 ft. intervals			X	X
Proposed topographic contours			X	X
Proposed landscape plan in compliance with the Florida native vegetation as specified in this code				X
Landscape and tree preservation table/compliance chart with existing, to-be-removed, required and provided trees, species and plantings				
Tree survey map/aerial depicting proposed removal and preservation of existing trees		X	X	
Traffic Impact Analysis, when applicable, Town-staff-approved methodology required	X	X		
Proposed public utilities including method of providing solid waste removal, potable water, wastewater and reuse lines				X
Drainage/Stormwater management				X
Open Space, Parks/recreation facilities				X
Pervious and Impervious Surface including data			X	
School Concurrence	X	X		
Proposed land use types by acreage and their locations (land use or building bubbles may be acceptable)	X			X

Process Information/Data	Comprehensive Plan Amendments – Future Land Use Plan Map Amendments – Comprehensive Plan Text Amendments	Rezoning – Zoning Map Amendments – Zoning Code Text Amendments – Special Exceptions to the Zoning Code	Dimensional Variances – Variances – Waivers – Waivers of Application Requirements	Master Plans – Planning Unit Development Master Plans – Land Use Plans – Master Development Plans
Residential: Number of units and gross and net densities.	X		X	X
Nonresidential: Square footages, FAR/Intensity			X	X
Subdivision: minimum lot dimensions, typical building envelop typical				X
Adjacent zoning		X	X	X
Anticipated maximum building height, grade to truss, above truss			X	X
Dimensional variance, requirement and proposed			X	
Anticipated phasing plan, approximate starting and completion dates for project and phases				X
Phase I environmental assessment findings (if applicable)				X
Prohibited uses				X
Documentation of consistency with the Town of Oakland Comprehensive Plan and specific policies contained therein	X	X		X
Documentation of compliance with criteria for rezoning map or zoning text amendment(s) as set forth herein		X		
Documentation of compliance with criteria for variances			X	
Documentation of compliance with criteria for site plans				
Quantitative land use data illustrated in a table which depicts acres allocated to each use				X
Residential. Maximum gross density, total number of units, type of unit where feasible or necessary, minimum net lot size, minimum net living floor area, building height, open space and recreation area and general location.		X		X
Commercial. Types of uses, floor area ratio, building height, setbacks and open space, impervious surface and general location.				X
Industrial. Types of uses, gross floor area, floor area ratio, impervious surface ratio, building height, setbacks, open space and buffers and general location.				X

Process Information/Data	Comprehensive Plan Amendments – Future Land Use Plan Map Amendments – Comprehensive Plan Text Amendments	Rezoning – Zoning Map Amendments – Zoning Code Text Amendments – Special Exceptions to the Zoning Code	Dimensional Variances – Variances – Waivers – Waivers of Application Requirements	Master Plans – Planning Unit Development Master Plans – Land Use Plans – Master Development Plans
Environmental impacts of the proposed development on: (a) environmentally fragile lands including water bodies, wetlands, 100-year floodplain and floodways, wellfields, aquifer recharge areas, areas of known endangered or threatened species of flora or fauna, or any other known significant environmental features of the site; (b) natural vegetation, including steps to protect existing tree canopy and general tree removal estimates and locations; (c) impact of proposed grading plan and drainage system improvements; (d) impact to the Wekiva spring shed area; (e) findings of any environmental assessment for hazardous wastes, brownfield or other contamination; and (f) other significant natural features of site.	X			X
Concurrency management documentation		X		X

Process Information/Data	Conceptual Master Plans – Conceptual Site Plans	Development Agreements – Amendments to Development Agreements	Site Plans - Engineering Plans	Preliminary Subdivision Plans - Final Plats - Plats	Architectural/ Building Elevations – Architectural Renderings
A general location map	X		X	X	X
A recent aerial of the site and the surrounding area within 200 feet, noting road access points, adjacent land use designations and design districts	X		X	X	X
A boundary survey or scaled delineation of the property and existing structures and improvements with setbacks noted, registered Florida surveyor may be required		X	X	X	X
Legal description	X	X	X	X	X
Property owners of record	X	X	X	X	X
Proof of ownership, may include legal instruments acceptable to Town Attorney		X	X	X	X
Proposed development/redevelopment plan with land uses and structures noted, including off-street parking, impervious coverage, designated open space, and other proposed improvements			X		X
Existing easements, streets and rights-of-way			X	X	X
Existing and Proposed Buildings			X		X
Existing trees greater than or equal to 6 inches dbh			X	X	X
Environmentally sensitive areas, soils, watercourses, flood hazard areas	X		X	X	
Existing topographic contours of the site at 5 ft. intervals			X	X	X
Proposed topographic contours	X		X	X	X
Proposed landscape plan in compliance with the Florida native vegetation as specified in this code			X	X	X
Landscape and tree preservation table/compliance chart with existing, to-be-removed, required and provided trees, species and plantings			X	X	X
Tree survey map/aerial depicting proposed removal and preservation of existing trees		X	X	X	X
Traffic Impact Analysis, when applicable, Town-staff-approved methodology required			X	X	
Proposed public utilities including method of providing solid waste removal, potable water, wastewater and reuse lines	X	X	X	X	
Drainage/Stormwater management	X		X	X	
Open Space, Parks/recreation facilities	X		X	X	X
Pervious and Impervious Surface including data			X		X
School Concurrency			X	X	
Proposed land use types by acreage and their locations (land use or building bubbles may be acceptable)	X (Generalized concept -land use and buildings)			X	

Process Information/Data	Conceptual Master Plans – Conceptual Site Plans	Development Agreements – Amendments to Development Agreements	Site Plans - Engineering Plans	Preliminary Subdivision Plans - Final Plats - Plats	Architectural/ Building Elevations – Architectural Renderings
Residential: Number of units and gross and net densities.	X	X	X	X	X
Nonresidential: Square footages, FAR/Intensity	X	X	X	X	X
Subdivision: minimum lot dimensions, typical building envelop typical	X	X		X	
Adjacent zoning	X		X	X	
Anticipated maximum building height, grade to truss, above truss	X (range)		X	X	X
Dimensional variance, requirement and proposed					
Anticipated phasing plan, approximate starting and completion dates for project and phases		X	X	X	
Phase I environmental assessment findings (if applicable)		X	X	X	
Prohibited uses	X	X			
Documentation of consistency with the Town of Oakland Comprehensive Plan and specific policies contained therein		X		X	
Documentation of compliance with criteria for rezoning map or zoning text amendment(s) as set forth herein					
Documentation of compliance with criteria for variances					
Documentation of compliance with criteria for site plans			X		
Quantitative land use data illustrated in a table which depicts acres allocated to each use	X		X	X	
Residential. Maximum gross density, total number of units, type of unit where feasible or necessary, minimum net lot size, minimum net living floor area, building height, open space and recreation area and general location.	X	X	X		
Commercial. Types of uses, floor area ratio, building height, setbacks and open space, impervious surface and general location.	X	X	X		X
Industrial. Types of uses, gross floor area, floor area ratio, impervious surface ratio, building height, setbacks, open space and buffers and general location.	X		X		X

Process Information/Data	Conceptual Master Plans – Conceptual Site Plans	Development Agreements – Amendments to Development Agreements	Site Plans - Engineering Plans	Preliminary Subdivision Plans - Final Plats - Plats	Architectural/ Building Elevations – Architectural Renderings
Environmental impacts of the proposed development on: (a) environmentally fragile lands including water bodies, wetlands, 100-year floodplain and floodways, wellfields, aquifer recharge areas, areas of known endangered or threatened species of flora or fauna, or any other known significant environmental features of the site; (b) natural vegetation, including steps to protect existing tree canopy and general tree removal estimates and locations; (c) impact of proposed grading plan and drainage system improvements; (d) impact to the Wekiva spring shed area; (e) findings of any environmental assessment for hazardous wastes, brownfield or other contamination; and (f) other significant natural features of site.	X	X	X	X	
Concurrency management documentation	X	X	X	X	

Section 2.5 Subdivision Regulations

The Town of Oakland generally utilizes the Orange County Subdivision Regulations/Public Works Manual. The Town of Oakland’s Public Works Director shall have the authority to vary or otherwise prescribe specific requirements as may be deemed appropriate.



ARTICLE 3

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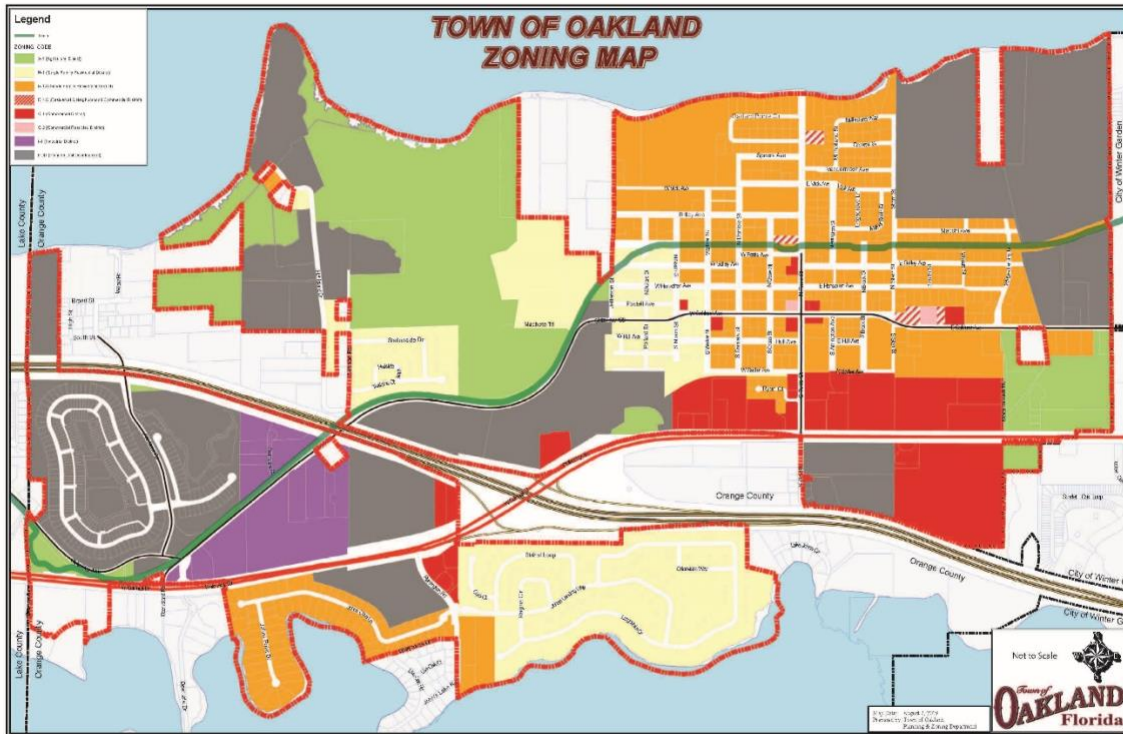
Article 3. Zoning, Uses, and Design District

Section 3.1 Zoning Districts

3.1.1 Zoning Districts Established

In order to classify, regulate and restrict the uses of land, water, buildings and structures, and to regulate and restrict the height and bulk of buildings, and to regulate the area of yards, courts and open spaces about buildings, the Town of Oakland is divided into districts designated as follows:

A-1	Agricultural
R-1-A	Single Family Residential
R-1	Single Family Residential
R-2	Duplexes
RNC	Residential and Neighborhood Commercial
C-1	Commercial General
C-2	Commercial Restricted
I-1	Industrial General
I-2	Industrial Restricted
MUC	Mixed Use Corridor
MUTC	Mixed Use Town Center
PUD	Planned Unit Development



3.1.3 A-1, Agricultural

The A-1, Agricultural District is intended to apply to those areas where the present or prospective use of which is primarily agricultural, or the future development of which is uncertain and for which a more restricted zoning would be premature. The regulations in this district are intended to permit a reasonable use of the property, while at the same time, preventing a creation of conditions which would blight or prevent the proper future use of contiguous or nearby properties. The A-1 District is composed largely of land used for citrus production, nurseries, greenhouses and truck farms. All land in an A-1 District must be a minimum of five (5) acre tracts.

3.1.4 R-1-A, Single Family Residential

The R-1A, Single Family Residential District is intended to establish and maintain certain lands, water and structures having a predominately low-density character of development accommodating primarily single-family residences and accessory uses as well as certain educational, religious, recreational and other generally compatible support facilities and services. The maximum density should range between 2.5 and 3.5 dwelling units per acre.

3.1.5 R-1, Single Family Residential

The R-1, Single Family Residential District is intended to establish and maintain certain lands, water and structures having a predominately low and medium density character of development accommodating primarily single-family residences and accessory uses as well as certain educational, religious, recreational and other generally compatible support facilities and services. The allowable density should range between 3.6 and 8.0 dwelling units per acre.

3.1.6 R-2, Duplex or Two-Family Residential

The R-2, Two-Family Residential District is intended to establish and maintain certain lands, water and structures having a predominantly medium density character of development accommodating primarily duplex residences and accessory uses as well as certain educational, religious, recreational and other generally compatible support facilities and services. The allowable density should range between 3.6 and 8.0 dwelling units per acre.

3.1.7 R-3, Multiple Family Residential

The R-3, Multiple Family Residential District is intended to establish and maintain certain lands, water and structures having a predominantly medium to medium-high density character of development accommodating primarily multiple family residences and accessory uses as well as certain educational, religious, recreational and other generally compatible support facilities and services. The allowable density should range between 8.1 and 15.0 dwelling units per acre.

3.1.8 RNC, Residential and Neighborhood Commercial

The RNC, Residential and Neighborhood Commercial District is composed of lands and structures primarily residential, but allowing the retailing of commodities and the furnishing of selected services while protecting nearby residential properties from adverse effects of commercial activity.

3.1.9 C-1, Commercial General

The C-1, Commercial District is composed of lands and structures used primarily to provide for the retailing of commodities and the furnishing of selected services. The regulations are intended to permit and encourage a full development of essential commercial uses; at the same time, however, protecting nearby residential properties from adverse effects of commercial activity.

3.1.10 C-2, Commercial Restricted

The C-2, Commercial Restricted District is composed of lands and structures used primarily to provide for low-intensity commercial businesses and also structures that provide a functional mix of low-intensity commercial and residential uses. An example of the latter type of development would be a two-story structure having a retail store on the first floor with loft apartments above. These regulations are intended to permit and encourage the full development of said businesses at the same time, however, protecting nearby residential properties from adverse effects of commercial activity.

3.1.11 MUC, Mixed Use Corridor

The Mixed-Use Corridor Zoning District is composed of lands and structures used for mixed use commercial, predominately with direct access to State Road 50. The regulations are intended to permit and encourage a vertical and horizontal mixed use developments that permit medium scale multi family, retail and commercial services that serve the Town and surrounding communities.

3.1.12 MUTC, Mixed Use Town Center

The Town Center Mixed Use district is composed of lands and structures used for lower intensity mixed use development. The regulations are intended to permit and encourage a vertical and horizontal mixed-use development that permit small scale live/work, neighborhood retail and neighborhood commercial services that serve the Town and surrounding communities.

3.1.13 I-1, Industrial General

The I-1, Industrial General District is composed of lands and structures used primarily to provide space for lower-intensity and smaller-scale industries which may be suitable for locations near residential structures. These regulations are intended to permit and encourage the full development of said businesses at the same time, however, protecting nearby residential properties from adverse effects of industrial activity.

3.1.14 I-2, Industrial Restricted

The I-2, Industrial Restricted District is composed of lands and structures used primarily to provide space for higher-intensity and larger-scale industries which may be suitable for locations away from residential structures. These regulations are intended to permit and encourage the full development of said businesses while separating industrial activities that would be incompatible with residential uses from such residential areas and properties.

3.1.15 PD, Planned Development

The PD, Planned Development Zoning District is intended to provide a process for the evaluation of unique, individually planned developments which may not otherwise be permitted. The standards and procedures of this district 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 Commission absolute authority to establish such limitations and regulations as it deems necessary to protect the public health, safety and general welfare

Section 3.2 Zoning Use Regulations

3.2.1 Zoning Uses: Principal and Primary

3.2.1.1 Zoning Principal Uses

Principal Uses, identifies land uses allowed as the principal uses in the various zoning districts and sets out the special standards that apply to specific allowable principal uses. Accessory Uses and Structures, identifies land uses and structures commonly allowed as accessory to principal uses, sets out general standards applicable to all accessory uses and structures, and sets out special standards that apply to particular accessory uses and structures.

The purpose of this section is to authorize the establishment and continuation of land uses that are allowed as the primary use(s) of a parcel—i.e., principal uses. This section identifies the zoning districts in which such principal uses are allowed, identifies what type of permit or review is required to establish them, and sets out any special standards applicable to particular principal uses.

3.2.1.2 Organization and Classification of Primary Uses

There are two Use tables: 1) Principle use table and 2) accessory use table. The Principal Use Table, organizes allowable principal uses and are very broad and general (e.g., , Residential Uses, Commercial, Public and Semi Public Uses, Commercial Uses, Industrial Uses and Agricultural Uses.)

Table 1 Principal Use Table, uses the following abbreviations to designate whether and how a principal use is allowed in a particular zoning district:

- P A “P” under a base zoning district column indicates that the use is allowable as a principal use in the district, subject to any referenced use-specific standards and all other applicable regulations of this LDR.
- SE An “SE” under a base zoning district column indicates that the use is allowable as a principal use in the district only on approval of a special exception in accordance with Article 2, Sec 2.4.5 Special Exception, and subject to any referenced use-specific standards and all other applicable regulations of this LDR.
- A An “A” under the planned development district indicates that the use may be allowed as a part of the PD Plan for a planned development in accordance with Sec. 2.4.3.4, Planned Development, and Sec. 3.1.15, Planned Development District, subject to any referenced use-specific standards and other applicable regulations of this LDR.
- “ _ ” A “blank cell” under a base or the planned development district column indicates that the use is prohibited as a principal use or special exception in the zoning district.

3.2.1.3 Standards Specific to Primary Zoning Uses

A particular use category or use type allowable as a principal use in a zoning district may be subject to additional standards that are specific to the particular use. The applicability of such use-specific standards is noted in the last column of Table 1: Principal Use Table, (“Use-Specific Standards”) through a reference to standards in Sec.

3.2.1.4, Standards Specific to Principal Uses.

A development may include a single principal use with one or more accessory uses that are customarily incidental and subordinate to the principal use (e.g., home occupation as accessory to a dwelling, or administrative offices as accessory to a school, retail sales, or manufacturing use). A development may also include multiple principal uses. A development with multiple principal uses shall include only those principal uses designated in Table: 1 Principal Use Table as allowed in the applicable zoning district, and each principal use shall be subject to any use-specific standards applicable to the use.

Primary Zoning Use and Structure Table 1

P= Permitted Use

A= Allowed primary use in a PD district if approved as part of a PD Plan

SE = Special exception

Blank cell= primary use is prohibited

Primary Uses	A-1	R-1A	R-1	R-2	R-3	RNC	C-1	C-2	I-1	I-2	MUC	MUTC	PD	USE SPECIFIC STANDARDS
RESIDENTIAL USES														
Accessory Dwelling Unit	SE	SE	SE	P	P	P					P	P	A	See 3.2.3.A.1
Bed and Breakfast		SE	SE	SE	SE	SE	P	P			P	P		See 3.2.3.A.2
Group Living				SE	SE	SE	SE	SE			SE	SE	A	See 3.2.3.A.3
Mixed-use dwelling (Live/Work/Store)							P	P	P		P	P	A	See 3.2.3.A.44.2.3 .A.3
Mobile Home Park														
Multiple-Family					P						P	P	A	
Single-Family Dwelling	P	P	P	P	P	P					P	P	A	
Townhouse					P	P					P	P	A	
Two-Family Dwelling/Duplex				P	P	P						P	A	
COMMERCIAL USES														
Business and Professional Office							P	P	P	P	P	P	A	
Childcare facility							P	P			P	P	A	See 3.2.3.A.1.1
Clinic							P	P				P	A	
Drive-Through Facilities													A	
Dry cleaning (Pick-up, Drop-off)							P	P			P	P		
Funeral Homes							P	P	P	P			A	
Gasoline Service Station														
Hospital/Medical Center							P	P	P	P				
Hotel/ Motel							P	P	P	P	P	P	A	
Indoor Commercial Recreation							P	P	P	P	P	SE	A	
Live/work/Store (mixed use)							P	P			P	P	A	
Places of Public Assembly							P	P			P	P	A	See 3.2.3.A.1.3
Pub/Tavern/Bar							SE				SE	SE	A	See 3.2.3.A.1.4
Restaurant (with or without beer and/or wine)							P	P			P	P	A	
Restaurant (with on-premise consumption of Liquor)							SE				SE	SE	A	See 3.2.3.A.1.5

Primary Zoning Uses and Structures														USE SPECIFIC STANDARDS
	A-1	R-1A	R-1	R-2	R-3	RNC	C-1	C-2	I-1	I-2	MUC	MUTC	PD	
Retail Sales & Services (Indoor Only)						P	P	P	P	P	P	P	A	
Vehicle sales (new)														
Vehicle sales (used)														
Vehicle rental														
Vehicle repair – minor														
Vehicular repair – major (indoor only)														
Vehicle storage facility														
Vehicle parking, commercial							P	P	P	P	P	P	A	Sec 3.2.3.A.1.6
Vehicle wash and detailing														
INDUSTRIAL USES														
Consolidated Storage									P	P				See 3.2.3.A.1.
Laundry & Dry-Cleaning Plant									P	P				
Manufacturing – Indoor Only									P	P				
Telecommunication Towers and Service Facilities									SE	SE				See 3.2.3.A.1.2
Warehouse/Indoor Storage									P	P				
Wholesale, Construction and Light Industrial – Indoor Only									P	P				
PUBLIC AND SEMI PUBLIC USES														
College or University							P	P					A	
Libraries, Cultural Facilities		P	P	P	P	P	P	P			P	P	A	
Educational facilities – Elementary and Secondary)											P	P		
Government Owned facility							P	P			P	P	A	
Hospital														
Parks -and recreation	P	P	P	P	P	P	P	P			P	P	A	
Post Office				P	P	P	P	P			P	P		
Public Service or Utility, general and essential	P	P	P	P	P	P	P	P	P	P	P	P	A	

Primary Zoning Uses and Structures														USE SPECIFIC STANDARDS
	A-1	R-1A	R-1	R-2	R-3	RNC	C-1	C-2	I-1	I-2	MUC	MUTC	PD	
Telecommunication Towers and Service Facilities									SE	SE				See 3.2.3.A.1.2
Vocational or Trade School							P	P	P	P			A	
AGRICULTURE USES														
Agriculture	P													
Cemetery	SE													
Community Garden					P	P					P	P		See 3.2.3.A.1.1
Farmer's Market							P	P	P	P	P	P		See 3.2.3.A.1.2
Limited Agriculture	P	P	P	P	P	P					P	P		

3.2.1.4 Standards for Specific Primary Uses

A. RESIDENTIAL

1. Accessory Dwelling Unit (ADU)

- a. Zoning District. A single-family dwelling shall exist on the lot or will be constructed in conjunction with the ADU. The ADU is treated as a second principal use on the lot.
- b. Location. The ADU may be attached to or detached from the principal dwelling as required in the applicable design district.
- c. Size shall be determined by the applicable design district.

2. Bed and Breakfast

Application may be made to the Town of Oakland for a “Bed and Breakfast” establishment as a Special Exception as set forth in Table 1, Principal Use Table, set for above. Such applications are subject to the regular Special Exception process, and shall conform to the following

Building Size(Gross floor Area)	Max. Guest Rooms
1,200-1,800 sq. ft	1
1,801-2,400 sq.ft.	2
2,401-3,000 sq.ft.	3
3,001-3,600 sq.ft.	4
over 3,600 sq.ft.	5

- a. Area. The maximum number of rooms for guests shall be as follows:
- b. Length of visit. Rentals will be on a transient basis in compliance with Chapter 509, Florida Statutes.
- c. Cooking facilities. Cooking facilities shall be approved and licensed by the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, or applicable State agency.

- d. Signage. Signage for bed and breakfast establishments shall be limited to one (1) sign, no greater than six (6) feet in height, with a copy area no greater than four (4) square feet. Sign must be set back a minimum of five (5) feet from the right-of-way line. Signage must be included as a part of the Special Exception application, and is subject to approval by the Town Commission. Low-voltage illumination may be provided, subject to approval.
- e. Codes, permits and licenses.
 - (1) All guestrooms shall have smoke detectors and fire extinguishers in accordance with State Fire Marshall codes.
 - (2) Septic tank usage must be permitted through Orange County Health Department.
 - (3) All bed and breakfast facilities are required to be licensed by the Town, County and State and meet all applicable codes, ordinances, and statutes.
 - (4) All bed and breakfast facilities shall be required to submit to the Town documentation of yearly inspections conducted by, or required by, State and County agencies. Submittal to Town Hall should coincide with the yearly application for an Occupational License.
 - (5) Repeated code enforcement action against a property having approval for a bed and breakfast shall be grounds for revocation of such approval. Said action shall be at the discretion of the Town Commission.
- b. Residency and lavatories. The owner or the owners' agent must reside on the premises. Guests may have shared lavatories; however, in no instance shall the owner and guests have shared lavatory facilities.
- c. Residential character. Structures receiving bed and breakfast approval must maintain their residential character and are subject to the review of the ARB. Additionally, there must not be an adverse impact on adjacent residential properties as a result of activities associated with the bed and breakfast.
- d. Parking. Applicants must demonstrate ability to provide a minimum of two (2) parking spaces for the owner's bedroom, and one (1) space per rental bedroom. Paved parking may be required at the discretion of the Town Commission.

3. **Group Living**

- a. The external appearance of all structures and the building site on which the facility is located shall be consistent with the general character of the Design District in which it is located. Exterior building materials, building bulk, landscaping, fences and walls, parking areas, and general design of the facility shall all be visually and

functionally compatible with the surrounding uses.

- b. The facility shall not be occupied by any person who has been convicted of, entered a plea of guilty or *nolo contendere* to, or has been found guilty by reason of insanity of a forcible felony under Ch. 776, Fla. Stat., a felony of the second degree under Ch. 800, Fla. Stat., or any of the sex offenses set forth under Ch. 794, Fla. Stat., regardless of whether an adjudication of guilt on imposition of sentence was suspended, deferred, or withheld.
- c. Signage shall comply with Article 4 Section 4.4 Signs.
- d. Dining, living, and sleeping room areas shall conform to all applicable requirements established and determined by the Department of Health and Rehabilitative Services.
- e. Distance between locations shall conform with the following standards:
 - (1) A facility in a Residential district shall be a minimum of 1,500 feet from any other such facility.
 - (2) A facility in a Nonresidential district shall be a minimum of 1,500 feet from any other such facility adjacent to or located within a Residential district, and a minimum of 300 feet from a facility located in a Nonresidential district.
 - (3) For the purposes of this requirement, distance measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the subject facility to the nearest property line of the other facility.

Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in a single-family or multifamily zone district and treated for development review purposes like a single family home, provided the home is not located within a radius of 1,000 feet of another existing community residential home with six or fewer residents, or is not located within a radius of 1,200 feet of another existing community residential home. Such homes with six or fewer residents are not required to comply with the notification provisions of Ch. 419, Fla. Stat. if, before licensure, the sponsoring agency provides the Town with the most recently published data compiled from the licensing entities as defined in Ch. 419, Fla. Stat, that identifies all community residential homes within the Town in order to show the proposed use complies with the distance requirements of this subsection and state law.

4. Mixed Use Dwelling (live/work/store)

- a. The residential portion of the building shall not occupy over 60 percent of the gross

floor area.

- b. The nonresidential portion of the building shall comply with all applicable nonresidential building code requirements.
- c. Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.
- d. Drive-through facilities are prohibited.
- e. Any nonresidential off-street parking shall be located as far as practicable from Neighborhood General Design District.

B. Commercial Uses

1. Child care facility

- a. A child care facility shall have an outdoor play area that complies with the following standards:
 - (1) The area shall include a fence that is at least three- and one-half feet in height that completely encloses the play area, that is designed so all persons entering the play area are within direct line of sight from the child care facility classroom areas
 - (2) The area shall not locate play equipment within the required yard setback.
- b. Parking areas and vehicular circulation patterns shall comply with the following standards:
 - (1) Design shall enhance the safety of children as they arrive at and leave the facility.
 - (2) A designated pickup and delivery area, providing at least one parking space for every 20 children shall be located adjacent to the childcare facility in such a way that children do not have to cross vehicular traffic to enter or exit the facility.
- c. No outdoor play activities shall be conducted after 8:00 p.m.
- d. If located on the site of a place of worship, the facility is allowed as an accessory use only if the use is compatible with adjacent land uses in terms of hours of operation, noise, lighting, parking, traffic impacts, and similar considerations.
- e. It shall comply with all applicable State and federal laws.
- f. If the child care facility is required to receive approval of a special exception permit in accordance with a special exception, it shall comply with the following standards in addition to the requirements for approval of a special exception
 - (1) The facility shall comply with all applicable State and federal laws.
 - (2) The facility shall be compatible with and similar in character and scale to surrounding land uses.

- g. The maximum number of children to attend the facility shall be limited by applicable Florida Statutes and in Residential districts by the number of persons per household, as projected in Oakland's Comprehensive Plan and the maximum number of dwellings per acre permitted in the Future Land Use District in which the proposed site is located, whichever is lower. Capacity of persons in the facility shall be determined by the Orange County Fire Marshall.

2. Parking facility (as a principle use)

- a. Parking of motor vehicles shall be the primary use of the facility. Except as otherwise expressly provided in this LDR, no other business shall be conducted in the parking facility—including, but not limited to, sales, repair, servicing, washing, or display of vehicles, or storage of goods.
- b. A parking facility shall not be located contiguous to a single-family residential development or zoning district.

3. Public Assembly

- a. Public assembly uses including all necessary support facilities including but not limited to drainage and parking shall be located a minimum distance of 500 feet from State Road 50/Colonial Drive.
- b. The Town Commission shall have the authority to grant modifications to any of the standards listed in this section in order to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. Sec. 2000, as amended. In granting such a modification, the Town Commission may require conditions consistent with the federal act that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

4. Pub/Tavern/Bar – On-Premise Consumption of Liquor

- a. A Pub/Tavern/Bar is defined as an establishment with on-premise consumption of liquor whereby more than 50 percent of revenue from the sale of alcoholic beverages. At minimum, such establishment must include a light food fare preparation area and must sell such light fare for on-premise consumption. Light fare shall include a range of soft drinks and hot coffee. Non-cooked food such as deli sandwiches, wraps, salads, fruit, vegetables and similar foods shall also be available.

5. Restaurants with On-Premise Consumption of Liquor

- a. Restaurants with on-premise consumption of liquor must derive at least 51 percent of gross food and beverage revenue from the sale of food and nonalcoholic beverages. Such establishments shall not operate as a package store and may not sell intoxicating beverages after the hours of serving or consumption of food have elapsed. License may not be moved to a new location.

6. Vehicle Parking (Commercial)

- a. No commercial or personal vehicle with signage placed thereon shall be parked in a manner along a public street to be visible as an advertising device.

C. Industrial Uses

1. Consolidated storage (self-service storage)

Self-service storage facilities shall comply with the following standards:

- a. Such use requires Industrial Zoning District.
- b. If separate buildings are constructed, there shall be a minimum separation of ten feet between buildings.
- c. The only commercial uses permitted on-site shall be the rental of storage bays and the pickup and deposit of goods or property in dead storage. Storage bays shall not be used to manufacture, fabricate, or process goods, to service or repair vehicles, small engines or electrical equipment, or conduct similar repair activities, to conduct garage sales or retail sales of any kind, or to conduct any other commercial, office or industrial activity on the site.
- d. Individual storage bays or private postal boxes within a self-service storage facility shall not be considered premises for the purpose of assigning a legal address.
- e. No more than one security or caretaker quarters may be developed on the site and shall be integrated into the building's design.
- f. Except as otherwise authorized in this subsection, all property stored on the site shall be enclosed entirely within enclosed buildings.
- g. Hours of public access to a self-storage establishment abutting a Residential district or existing residential development shall be restricted to the hours between 6:00 A.M. and 10:00 P.M.
- h. Garage doors serving individual storage units shall be perpendicular to a public or private street so as to not be visible from adjacent streets.
- i. Windows may not exceed 20 percent of any street-facing façade and shall not be reflective.
- j. Overall design and architectural standards are subject to review and approval of the ARB and Design Manual. A maximum of two colors (excluding roof colors) shall be used on wall facades visible from off-site areas. Colors shall be neutral and shall not be used to call attention to the establishment.
- k. Perimeter or exterior walls visible from an arterial street or residential development shall not include metal as a primary material.

2. Telecommunication Towers

- a. The following provisions shall govern the submission and issuance of a special exception use relating to communication towers.

- i. In granting a special exception, the Town Commission may impose conditions, including such conditions as are necessary to minimize any adverse effect of the proposed telecommunication tower on adjoining properties.
 - ii. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a professional engineer licensed in the State of Florida.
- b. In addition to any information required for applications for special exception uses, applicants for communication towers shall submit the following information. The application may utilize any combination of site plans surveys, maps, technical reports, or written narratives necessary to convey the following information:
 - 1. A scaled map clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to the County or other municipalities), Comprehensive Plan classification of the site and all properties within the applicable separation distance set forth in this Article of the Zoning Code, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures existing or proposed, topography, parking, and any other information deemed by the Town of Oakland to be necessary to access compliance with this article.
- c. A current tax map and aerial as provided by the Orange County Property Appraiser's office showing the location of the proposed tower.
- d. Legal description of the parent tract and leased parcel (if applicable)
- e. The setback distance between the proposed tower and the nearest residential unit, and nearest residentially zoned property.
- f. The separation distance from other towers within a two mile radius shall be shown on an updated site plan or map.
- g. The applicant shall also identify the type of construction of the existing towers and the owner/operator of the existing towers.
- h. A landscape plan showing specific landscape materials.
- i. Method of fencing, finished color, and the method of illumination (if applicable).
- j. A notarized statement by the applicant service provider as to whether construction of the tower will accommodate co-location of additional antennas for future users.
- k. Distance from Residential. All telecommunication towers shall be located at

least twice the tower height from any residentially developed or residentially zoned property. Tower height shall be measured from the natural grade of the property.

- l. Setbacks. Accessory buildings must satisfy the minimum design district setback requirements. Communication tower anchors and guyed supports must meet the zoning classification and or design district minimum yard size requirements as determined by the Planning Director.
- m. Separation of Towers. All towers constructed after the passage of these regulations maybe located on an adjacent parcel of land to one where a tower already exists. providing all of the provisions of these regulations are met.
- n. Height Limitations and Method to Determine Height
 - i. Measurement of communication tower height shall include the antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the finished grade is more than three (3) feet above the natural grade, measurement shall be from the natural grade. The height of a communication tower shall not exceed more than one hundred (100) feet.

D. Agriculture Uses

1. Community Garden

- a. Accessory buildings shall be limited to sheds for the storage of tools, greenhouses, and seasonal farm stands. The combined area of all buildings and other structures shall not exceed 15 percent of the parcel area.
- a. Areas used for communal composting shall be limited to ten percent of the parcel area.
- b. Perimeter fences, including trellises, are allowed in community gardens, subject to the standards in Sec. 4.7 Walls and Fences.
- c. Before a community garden is issued a permit, the community garden shall have an established set of operating rules addressing the governance structure of the garden, hours of operation, assignment of garden plots, and maintenance and security requirements and responsibilities.

2. Farmers' market

- b. Vehicular access to the subject property shall not be by means of streets internal to a development with single-family detached dwellings.
- c. Stalls, sales tables, and any other outdoor facilities related to the market shall be located at least 25 feet from any abutting street.
- d. Items for sale shall not be displayed or stored within customer pathways.
- e. Before issuance of a permit for the farmers' market, it shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.

3.2.2 Accessory Zoning Uses

3.2.2.1 General Standards for All Accessory Zoning Uses and Structures.

A. Relationship to Principal Uses or Structures

1. Except as otherwise expressly allowed in this LDR, an accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure it serves. For example, a garage cannot be established without a principal residence.
2. If the principal use or structure served by the accessory use or structure is destroyed or removed, the accessory use or structure shall no longer be allowed.

3. Location of Accessory Uses and Structures

- i. Except as otherwise expressly allowed in this LDR, an accessory use or structure shall not be located within any platted or recorded easement or over any known utility, or in an area designated as a fire lane or emergency access route on an approved development plan.
 - ii. No accessory structures shall be located within a perimeter buffer except a screening fence or wall.
 - iii. No accessory structure shall impede the access to or function of a vehicular use area.
4. Unless otherwise provided above, Standards Specific to Accessory Uses and Structures, or Allowable Encroachments into Required Yards as provided in the Design Districts, accessory uses and structures shall comply with the minimum yard standards and structure height limits applicable in the zoning district where the structure is located.
 5. Accessory structures must not have separate electrical meters or kitchen facilities. Accessory structures larger than 75 sq. ft. may have plumbing for a utility sink and/or shower only.
 6. Tree houses will be considered on a case-by-case basis by the Administrative Official. Administrative Official denial of a proposed tree house may be appealed to the Town Manager.
 7. All accessory structures require a building permit and must be constructed and mounted to the ground per Florida Building Code requirements. Building permit applications must include the most recent survey for the subject property, with the accessory building footprint and location shown to scale, along with other submittal materials required by the Town of Oakland and other permit review agencies.
 8. Building permitting and setback requirements do not apply to accessory structures ≤ 20 sq. ft., such as playhouses and dog houses.

Accessory Zoning Use and Structure Table 2

P= Permitted Accessory Use or Structure

A= Allowed accessory use or structure in a PD district if approved as part of a PD Plan

Blank cell= accessory use or structure is prohibited

Accessory Uses and Structures	A-1	R-1A	R-1	R-2	R-3	RNC	C-1	C-2	I-1	I-2	MUC	MUTC	PUD	USE SPECIFIC STANDARDS
Accessory Structure	P										P	P	A	See 3.2.2.3 A
Amateur ham radio antenna														
Antenna														
Automated teller machine (ATM)														
Automatic car wash														
Bed and breakfast (as accessory to a single-family detached dwelling)		SE	SE	SE		P					P	P	A	
Boathouse		P	P										A	
Bike parking rack							P	P	P	P	P	P	A	
Bike share station							P				P	P	A	
Clubhouse (as accessory to a residential development, golf, or tennis facility)		P	P	P								P	A	
Community garden	P	P	P	P	P	P	P	P	P	P	P	P	A	
Community recreation facility (as accessory to a residential development)		SE	SE	SE	SE						P	P	A	
Deck and/or pool apron		P	P	P	P	P	P	P			P	P	A	See 3.2.2.3.B
Donation Bin							P	P	P	P			A	See 3.2.2.3C
Drive-through facility														
Electric vehicle (EV) level 1 or 2 charging station	P			P	P	P	P	P	P	P	P	P	A	See D
Electric vehicle (EV) level 3 charging station	P						P	P	P	P	P	P	A	See D
Farmer's market	SE						SE	SE	SE	SE				
Garage or carport	P	P	P	P	P	P	P	P	P	P	P	P	A	
Greenhouse	P	P	P	P							P	P	A	
Green roof	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home garden	P	P	P	P	P	P					P	P	A	
Poultry in Residential Areas	P	P	P	P	P	P						P	A	See E
Livestock in Residential Areas	P	P	P	P	P	P						P	A	See F
Home occupation	P	P	P	P	P	P					P	P	A	

Accessory Uses and Structures	A-1	R-1A	R-1	R-2	R-3	RNC	C-1	C-2	I-1	I-2	MUC	MUTC	PD	USE SPECIFIC STANDARDS
Laundromat (as accessory to a multifamily dwelling)					P	P					P	P	A	
Limited fuel/oil/bottled gas distribution														
Nursery and garden center (as accessory to a nursery use)	P						P	P	P	P				
Outdoor seating (as accessory to an eating or drinking establishment)							P	P			P	P	A	See G
Outdoor storage (as an accessory use)	P						P	P	P	P	P	P	A	See H
Parking facility (as an accessory use)							P	P	P	P	P	P		
Produce stand (as accessory use to farm or community garden)	P						P	P	P	P	P	P	A	See I
Rainwater cistern or barrel	P	P	P	P	P	P	P	P	P	P	P	P	A	
Satellite dish antenna	P	P	P	P	P	P	P	P	P	P	P	P	A	
Storage shed	P	P	P	P	P	P	P	P	P	P	P	P	A	
Swimming pool (as an accessory use)	P	P	P	P	P	P					P	P	A	See J
Telecommunication Towers									SE	SE				See Primary Use Provisions for Standards

3.2.2.2 Standards Specific to Accessory Uses and Structures.

Standards for a specific accessory use or structure shall apply to the particular individual accessory use or structure regardless of the zoning district in which it is located or the review procedure by which it is approved, unless otherwise specified in this LDR. This subsection consolidates the standards for all accessory uses and structures for which a reference to this section is provided in the "Use-Specific Standards" column of Table x Accessory Use and Structures Table, and in the same order as they are listed in the table. These standards may be modified by other applicable standards or requirements in this LDR.

3.2.2.3 Standards for Specific Accessory Uses and Structures

A. Accessory Structure

The structure shall be designed as outlined in the relevant design district.

B. Deck and/or pool apron requirements

The following bulk requirements apply to open decks and pool aprons.

Open deck >5' above grade	≤5' encroachment into rear setback, but outside of any easements, if area underneath is left unscreened/unenclosed
Open deck ≤5' above grade, pool apron	May encroach into rear and side setback, ≥5' from property line, but outside of any easements

C. Donation Bin

1. A donation bin is only permitted as an accessory use where the principal use is a place of worship.
2. The donation bin shall be affixed to a level paved surface as a part of a larger developed and occupied non-residential building site.
3. The donation bin shall be located with adequate driveway access for loading or service vehicles.
4. All donation bins on a building site shall be arranged side by side with no more than 12 inches between two bins.
5. The maximum number of donation bins on a site shall be:
 - a) One donation bin on any building site less than two acres in area;
 - b) Two donation bins on any building site between two and five acres in area; or
 - c) Three donation bins on any building site more than five acres in area.
6. The receiving door on the donation bin shall be oriented toward the interior of the building site and away from the public right-of-way.
7. The donation bin shall be closed by use of a receiving door or safety chute to prevent vandalism, and locked so that the contents of the bin cannot be accessed by anyone other than those responsible for the retrieval of the contents.
8. No donation bin shall exceed 25 square feet in area or seven feet in height.
9. The donation bin shall not be in view from the front of the building site.
10. The donation bin shall be setback:
 - a) Twenty-five (25) feet from any Residential use, residential zone district boundary, or public right of way; and
 - b) Five feet from any other property line
 - c) The donation bin shall not encroach on required landscaping, and no required landscaping shall be removed to install a donation bin.
 - d) Signs shall be permitted on two sides of the donation bin, if one of the two sides is the front or depositing side. Signage shall be limited to five square feet per side and shall only advertise the donation bin's (1) permittee, and (2) if applicable, the benefitting organization. Any donation bin operated by a person or entity other than a non-profit permittee shall also include the following statement on the depositing side of the bin, not less than two inches (2") high, below the bin chute, in conspicuous and clear lettering at least two inches (2") high, "[Permittee name] is not a charitable organization. The materials deposited in the bin are not re- used by any charitable organization but are instead recycled and re-sold for profit, and are not tax deductible contributions." A permittee's donation bin with a benefitting foundation or organization may also state: "A portion of the proceeds of the sale of the materials deposited in this bin benefits [name of benefitting foundation or organization]." Each donation bin must be clearly marked to identify the name and telephone number of its responsible operator.

- e) No donation bin shall occupy or block access to any parking space needed to comply with the requirements of this LDR.
- f) No processing of donations is allowed on-site.
- g) Notwithstanding any other requirement of this subsection, donation bins may be located within a principal building or structure without further review or regulation.
- h) Operation of the donation bin shall be conducted in a manner as not to constitute a nuisance with regard to odor, noise, dust, or other environmental effects. Collection facilities must be regularly emptied of their contents so that materials and donations do not overflow. The permittee and property owner shall be individually and jointly responsible for abating and removing all garbage, trash, debris and other refuse material in the area surrounding any donation bin within 72 hours of written or verbal notice by the Town.
- i) The owner of the donation bin, the permittee, and the owner of any private property upon which a violation of these regulations occur may be held individually and severally responsible and liable for such violation.

D. Electric Vehicle (EV) Level 1, 2, or 3 Charging Station

- 1. In the MUTC, MUC districts, EV Level 3 charging stations are allowed as accessory uses to: continuing care retirement communities; colleges or universities; major utility facilities; and townhome or multifamily developments that contain more than 75 dwelling units.
- 2. Except as otherwise provided in subsection 4. below, EV charging station spaces shall be reserved for the charging of electric vehicles only. Such reserved spaces shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, the amperage and voltage levels, any enforceable time limits or tow-away provisions, and contact information for reporting non-operating equipment or other problems.
- 3. A required accessible parking space for persons with physical disabilities may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.
- 4. EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

E. Farming, Animals, Agriculture

- 1. Requires compliance with Design District requirements, including but not limited to lots in subdivisions/developments that are otherwise exempt from provisions of Article 3.3, Design Districts.
- 2. Poultry in Residential Areas. Up to two birds are allowed; the lot must be at least ½ acre; the bird(s) must be penned at all times; the pen must be a minimum of 50 feet from neighboring property; Roosters are not allowed.
- 3. Livestock in residential areas. Maintaining livestock as an accessory use in a residential district is allowed provided livestock is securely fenced and a minimum setback of one hundred (100) feet exists between all property lines and any building used to house animals or to store feed or other

materials. A minimum size of 10 contiguous acres is required, with a maximum number of animals not to exceed 1 animal per acre.

4. Crops. Raising of crops is permitted provided that such agriculture is an accessory to the residential use. Commercial agricultural activities such as overhead spraying is prohibited. Plowing with a tractor is prohibited on parcels less than one acre.

F. Home Occupation

1. The use of a lawfully existing dwelling for limited business activities; these activities must be clearly secondary to the use of the dwelling as a residence. A home occupation shall not change the character of the neighborhood. A home occupation shall be conducted in accordance with the following provisions
 - a) No person other than members of the family residing on the premises shall be engaged in such occupation. The home occupation shall not have any employees on the premises.
 - b) Other than pick-up or delivery of the home occupation's product(s) by bona fide delivery service, no vehicles of clients or customers of the home occupation shall be permitted to travel to, park at or otherwise conduct business at the premises.
 - c) No retail or other types of "in-person" sales shall be conducted on the premises. There shall be no outdoor display or storage of goods. There shall be no signs visible from any street that identify the home occupation.
 - d) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation from any right-of-way.
 - e) No home occupation shall occupy more than 25 percent of the living area of the residence, exclusive of any area of any open porch or attached garage or similar space not suited for occupancy as living quarters.
 - f) The home occupation may be conducted in an accessory building on the property of the proprietor provided that all other provisions of these requirement are in compliance.
 - g) A home occupation shall not include personal services such as barbering, personal counseling or training, on-site retail sales, furniture building, repair or refinishing, automobile/vehicle servicing, contracting related activities of any type including but not limited to outside storage, and similar activities or services.
 - h) The primary use of a home occupation may be an office; however, the production of items commonly classified in the terms of "arts and handicrafts" shall be permitted. The sale of any "arts and handicraft" items shall occur off-site or via internet.
 - i) No more than one of the proprietor's vehicles may have signage related to the home occupation.
2. Business Tax Receipt Required. Any person desiring to conduct a home occupation shall first apply to the Town Clerk for a business tax receipt. Such application shall be on a form prepared by the Town.

G. Outdoor Seating

1. Outdoor seating is allowed as an accessory use to any eating or drinking establishment, subject to the following standards:
 - a) No sound production or reproduction machine or device (including, but not limited to musical instruments, loud-speakers, and sound amplifiers) shall be played in the outdoor seating area at volumes that disturb the peace, quiet, or comfort of adjoining properties.
 - b) Hours of operation of the outdoor seating area shall be the same as those for the eating or drinking establishment.
 - c) Food preparation shall occur only within the enclosed principal building containing the eating or drinking establishment.
 - d) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
 - e) No tables, chairs, umbrellas, or other furnishings or equipment associated with the outdoor seating area shall be attached, chained, or otherwise affixed to any curb, sidewalk, tree, post, sign, or other fixture within the outdoor seating area.
 - f) The outdoor seating area may be permitted on a public sidewalk abutting or adjacent to the front of the property containing an eating or drinking establishment subject to the following requirements:
 1. The outdoor seating area shall be limited to that part of the sidewalk directly in front of the property containing the eating or drinking establishment unless the owner of adjoining property agrees in writing to an extension of the outdoor seating area to that part of the sidewalk in front of the adjoining property.
 2. The operator ensures that the operator is adequately insured against and indemnifies and holds the Town harmless for any claims for damages or injury arising from sidewalk dining operations, and will maintain the sidewalk seating area and facilities in good repair and in a neat and clean condition;
 3. Authorizes the Town to suspend authorization of the outdoor seating use, and to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the owner's expense, as necessary to accommodate repair work being done to the sidewalk or other areas within the right-of-way containing or near the outdoor seating area; and
 - g) Authorizes the Town to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the operator's expense, if the operator fails to comply with a Town order to do so within a reasonable time period.
 - h) A clear pathway at least five feet wide shall be maintained to allow through public pedestrian traffic along the sidewalk and from the sidewalk into the entrance to the establishment. A greater width may be required where necessary to ensure the safe and convenient flow of pedestrian traffic.
 - i) A clear separation of at least five feet shall be maintained from any alley, crosswalk, fire hydrant, or similar public or emergency access feature in or near the sidewalk. A greater clear distance may be required where necessary to ensure use of the public or emergency access feature.

- j) No objects shall be placed along the perimeter of the outdoor sidewalk seating area that would have the effect of forming a physical or visual barrier discouraging the use of the sidewalk by the general public.
- k) Tables, chairs, umbrellas, and other furnishings associated with the outdoor seating area shall be of sufficient quality, design, materials, and workmanship to ensure the safety and convenience of the users and compatibility with adjacent uses and are subject to the approval of the ARB.

H. Outdoor Storage and/or Display.

- 1. Where an outdoor storage area stores goods intended for sale or resale, such goods shall be limited to those sold on the premise in conjunction with the principal use of the lot.
- 2. Enclosed and Integral. All outdoor storage and display areas shall be enclosed within walled areas. Such walls shall be architecturally consistent with and integral to the principal building. The height of the wall shall be sufficient to screen stored materials from view from public street rights-of-way, private streets, public sidewalks and any adjoining residential development. Walls shall be compliant with Design Districts and Design Manual included in this Code. Such enclosed areas utilized for outdoor storage and display are not required to have a roof.
- 3. Percentage of outdoor storage and display areas and principal building. Outdoor storage and display areas shall be no greater than 50% or one half of the size of the principal building footprint.

I. Farmer's Market/Produce Stand

- 1. A produce stand (as accessory to a farm or community garden) shall comply with the following standards:
 - a) The produce stand shall not exceed 750 square feet in area and shall not be more than 15 feet in height.
 - b) The produce stand shall be located on the lot where the farm or community garden is located.
 - c) The produce stand shall be:
 - 1. Limited to the retail sale of vegetables and fruits grown on the farm or in the community garden.
 - 2. Located to minimize the visual impact of the structure from adjacent public streets.
 - 3. Limited to a six-month duration in a given location.
 - 4. Situated so that adequate ingress, egress, and off-street parking areas are provided.

J. Swimming pools

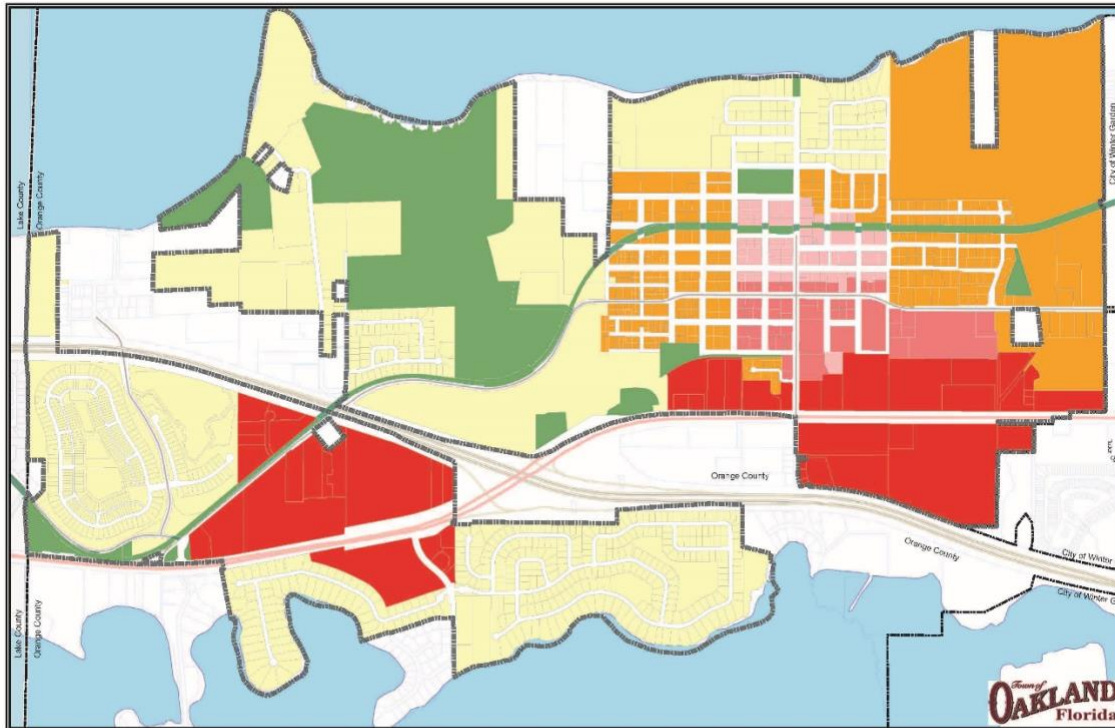
Swimming pools may be permitted in any residential zone provided that the water's edge of the swimming or wading pools shall be located no closer than ten (10) feet from rear or side lot lines, nor within any required front yard or easement. Such swimming or wading pools shall be enclosed by a security fence at least five (5) feet in height. A screened enclosure may be substituted for such security fence. However, no screened enclosure shall be located forward of the front building line, nor within a required setback or easement.

1. If a security fence of at least four (4) feet in height exists on a property prior to the construction of a swimming pool this may be substituted for a new five-foot fence at the discretion of the Building Official.
2. Swimming pools in commercial areas or multi-family areas shall be a minimum of ten (10) feet (measured from water's edge) from any structure or property line. The pool may not be located within an easement. The Building Official may require fencing around pools in commercial areas if not completely surrounded by the owner's own building or buildings.

Section 3.3 Design Districts

3.3.1 Establishment

In addition, and supplemental to, all land development code requirements heretofore and hereafter, there is hereby created an overlay zoning classification known as the "Design District Overlay Classification." Subdistricts are classified as: Urban Corridor, Town Center, Neighborhood Center, Traditional Neighborhood, and Neighborhood General. The Conservation Design District is consistent with the Town's Comprehensive Land Use Plan for Conservation.



This map is included as illustration only and does not represent the Official Adopted Design District Map of the Town of Oakland

3.3.2 Intent

The intent of this article is to ensure that the designated Design Districts are developed in a manner that:

- A. Insures subject roadways are developed into well landscaped scenic gateways;
- B. Provides design standards to establish high-quality development reflective of the town character;
- C. Maximizes traffic circulation functions from this standpoint of safety, roadway capacity , vehicular and non-vehicular movement;
- D. Provide a variety of housing types, public spaces, schools, civic amenities and places to work and shop.
- E. Maintains and enhances property values;
- F. Preserves natural features; and
- G. Recognizes and makes allowances for existing uses and buildings.

3.3.3 Applicability

- A. This Design District ordinance shall apply to all new buildings, new subdivision development, new site plans and redevelopment of property within the Town of Oakland unless specifically stated otherwise herein. This Design District ordinance defines the architectural character and designs of new buildings, new subdivision development, new site plans, and redevelopment of property in the Town of Oakland, as well as some existing buildings when they are renovated or replaced as follows. Lawfully existing buildings as of the date of the adoption of this ordinance may remain as constructed.
1. Additions and renovations.
 - a. Exempt: Existing Planned Unit Development and existing conventional subdivisions as identified in B.1. and B.2 of this section.
 - b. Single Family Residential Dwellings. Where the cost of addition and/or renovation to single family dwellings is more than 50 percent of the taxable assessed value of the existing structures, or more than 50 percent of the square footage of the existing structures, these Design District requirements shall apply.
 - c. Non-Residential Buildings. When existing nonresidential buildings are to be modified, expanded, or rebuilt to an extent of more than 50% of the gross square floor area, and/or the modified, expanded, or rebuilt at a cost of more than 50% of the value of the building (not to include the lot, outside amenities, or other buildings on the property, as revealed in the Orange County Property Appraiser's website, and/or the buildings are demolished and rebuilt, these Design District regulations shall apply.
 - d. Minor renovations, additions and modifications. Otherwise, such work shall be considered minor and as such, the Town's Administrative Official is hereby authorized to review and approve such additions and renovations with conditions that are reasonable and practicable.
 2. Emergency Repairs. In the event of a declared community emergency such as a hurricane, or in the event of damage due to fire or a similar occurrence, repairs to damaged buildings shall be exempt from the Design District requirements provided that such design-code-exempt repairs shall be the minimum necessary to ensure that the building is habitable and protected from further damage. Building permits, demolition permits and other necessary permits and fees shall still be required.
- B. There are five (5) Design District areas which include all parcels of land within the Town of Oakland except for the Conservation District, except as specifically provided herein.
1. Existing Planned Unit Development (PUD) Approved Prior to Adoption of Urban Design Guidelines. The below-listed developments have established design criteria as part of the zoning process of Planned Unit Development (PUD) zoning and shall thereby comply with their respective PUD-adopted standards; provided, however that when respective Development Agreements are modified, the Town shall have the authority to apply these overlay regulations as set forth on the Design District Map.
 - a. Hull Island Subdivision PUD, Phases 1 and 2
 - b. Longleaf at Oakland, Neighborhoods 2 and 3 PUD
 - c. Longleaf Multiple Family Neighborhood 1 PUD
 - d. Oakland Park
 - e. Oakland Trails

2. Existing Subdivisions. The following already approved and developed subdivisions are platted subdivisions and developed according to R-1 and R-1A Zoning. Houses in such subdivisions may continue to be regulated according to R-1 and R-1A Zoning requirements; provided, however that these overlay regulations shall apply if and when the lot or lots are rezoned, the home(s) are modified, expanded, or rebuilt to an extent of more than 50% of the gross square floor area and/or the homes are demolished and rebuilt, unless such modification, demolishing and/or rebuilding are the result of a disaster such as storm or fire.
- a. Hull Island Estates
 - b. John's Landing (Phases 1 and 2)
 - c. Trailside Station
 - d. John's Cove
 - e. Oakland Pointe
 - f. Ryan's Court
 - g. Southern Oaks
 - h. Winter's Landing

The following area and dimensional requirements shall be applied to the above subdivisions.

Table 1 Area and Dimensional Requirements for R-1 and R-1A Zones that are exempt from Design Districts													
DISTRICT	DISTRICT NAME	Minimum Living Area (Sq. Ft.)	Minimum Lot Size (sq.ft.)	Minimum Lot Width (linear ft)	Front Setback	Side Street Setback	Side Interior Lot Line	Rear Setback	From Lakes	Maximum Height	Floor Area Ratio (FAR)	Maximum Residential Bldg size (sq ft)	Footnotes
R-1A	Single Family Residential	1,200	12,500	100	25	25	10	20% depth or (25' Lessor)	50'	35'	35%	65%	(2)
R-1	Single Family Residential	824	7,500	50	25	15	7.5	"	50'	35'	35%	65%	(2)
Footnotes													
(1)	A detached accessory building shall maintain the same front and side yards as the main dwelling structure; however, they will not project beyond the established building line. A detached accessory building shall be no closer than ten (10) feet to the main building nor six (6) feet to any other accessory building on the same lot.												
(2)	FAR and ISR may be increased as a special exception for infill lots only to allow compatible house size if existing, adjacent structures are larger than what would be allowed under permitted ratios. The size height, bulk and architecture of adjoining properties shall be considered so as to adequately protect surrounding properties. Excessively massive buildings or buildings which dominate neighborhood structures should be avoided. Inequitable loss of private views resulting from excessively tall or poorly planned structures shall not be permitted.												

- A. Each Design District identifies the relevant primary and accessory building types for that design district. Building types provide choices of function and style. Building setbacks, height limits, roof line orientation, building fenestration, such as windows and doors requirements, are included in these Design Districts.
- B. Design District boundaries are specifically set forth in maps and tax ID designations in the Town Planner's office.
- C. Design District requirements reference the "Design Manual" which is adopted by Town Commission resolution. The Design Manual provides and requires further details of design, massing, porch dimensions and the like as well as exterior materials, window and door framing, roof overhangs and related features.
- D. For clarity between zoning districts and design districts, each property or parcel has both a designated Design District and a designated Zoning District. Zoning Districts define permitted land uses, special exception uses and

prohibited uses in each zoning district. Each Design District defines dimensional requirements, building types, materials, and similar architectural and design requirements.

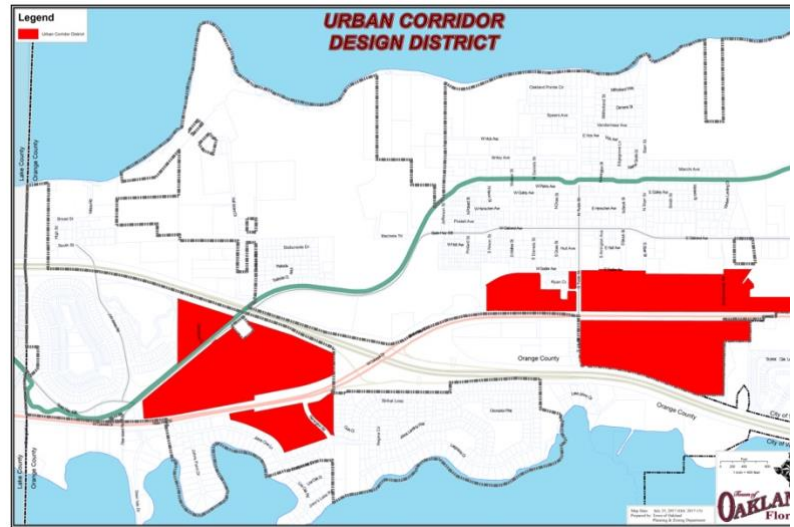
- E. Both the Zoning District ordinances and the Design District ordinances apply to the properties in the Town of Oakland. The Zoning District ordinances control the permitted and conditional uses for properties in the Town, as well as some matters not addressed in the Design District ordinance. If there is any conflict as to uses of property, the applicable Zoning District ordinance prevails over the Design District ordinance. If there is any conflict between building setbacks or height limits in the Zoning District ordinances and the Design District ordinance, the Design District ordinance prevails.

3.3.7 UC, Urban Corridor Design District

1. Purpose

The purpose of the Urban Corridor district is:

1. To accommodate attached, mixed use buildings adjacent to the town center that provide local and regional access to commercial uses.
2. To allow larger buildings within the most intense part of the urban corridor.
3. To provide a center that is multi-modal for commuters and residents.
4. To provide the town with a predictable outcome from development and redevelopment.



2. Building Standards

1. A grouping of attached buildings may not exceed 300 feet in aggregate length and must be interrupted by a break of at least 10 ft in width. These breaks may accommodate pedestrian accessways, thoroughfares, or narrow side yards, and may be fenced or gated at the frontage if desired.
2. The pattern of the Urban Corridor requires buildings to extend all the way to their front lot line(s) to form a consistent streetwall. When this is impractical for reasons of safety or construction feasibility, the building may set back up to 10 ft from the front lot line(s) or edge of the public street frontage requirements found in Article 4, provided a continuous streetwall is maintained.



3. Permitted Building Types (underlying zoning districts provide permitted uses)

Small Apartment Building (small)

Mixed Use Building

Store (small, medium, large)

Hotel

Industrial

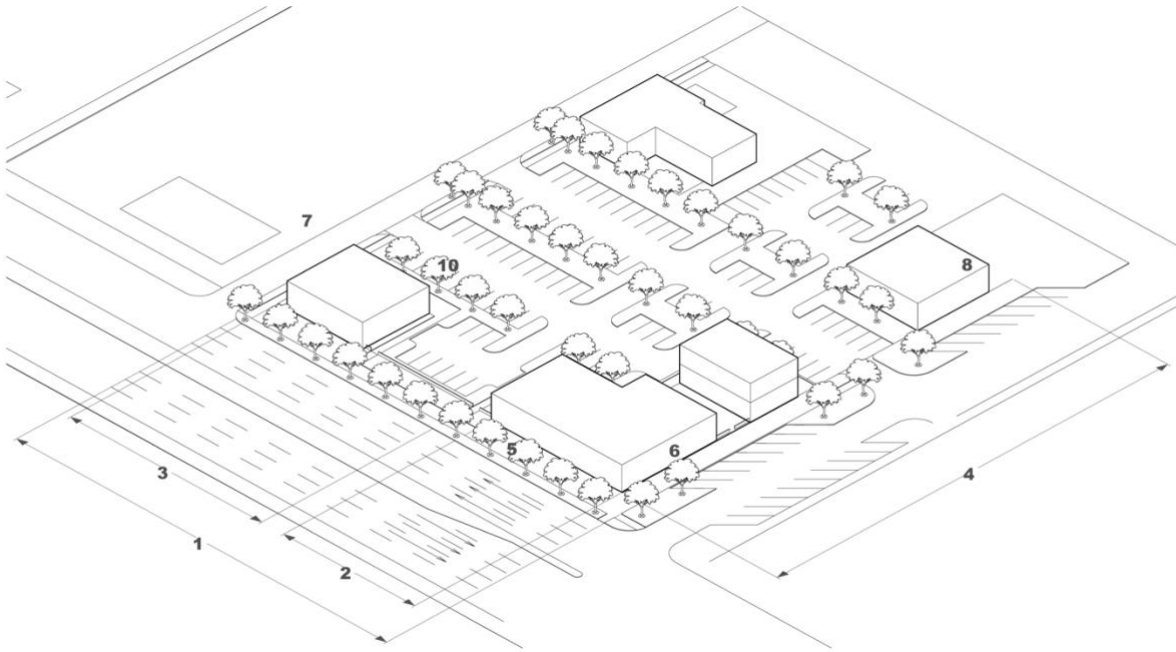
Civic

4. Accessory Building (most be consistent with permitted uses in underlying zoning district).

Fabrication Shop

Accessory Shop

Urban Corridor Design District Parameters



5. Lot Standards	Minimum	Maximum
1 Block Length and Width (ft)	300	500
2 Building Frontage (percentage)	60	90
3 Lot Width, min. (ft.)	50	
4 Lot Depth, min (ft)	?	
5 Front Yard Setback, min. (ft.)	15	
6 Side Yard Setback, min. (ft.)	5	
7 Corner Side Yard Setback, min. (ft.)	15	
8 Rear Yard Setback, min. (ft.)	5 (1)	
9 Building Height, max. (ft.)		60 (2)
10 Parking Location	Side or Rear	n/a

6. Other Standards	
Town Design Manual	Separate Document
Permitted Uses	Refer to the Underlying Zoning District

(1) Building setback shall increase to 25' when adjacent to single-family residential zoning districts

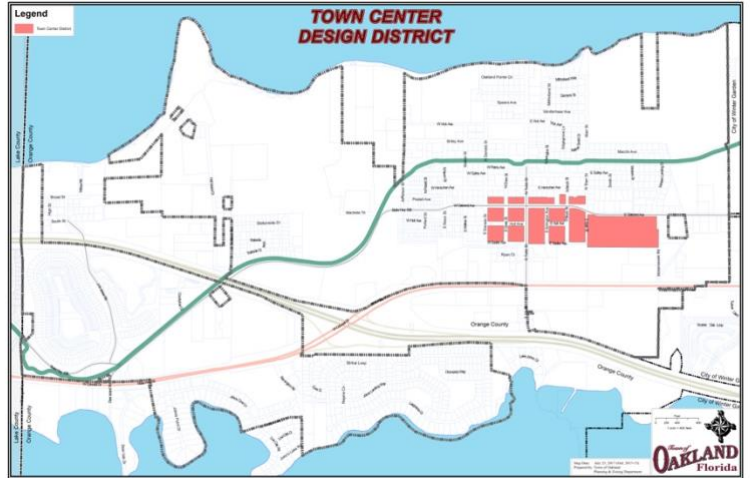
(2) Mixed Use Buildings, Apartment Buildings and Hotel Buildings may request additional height to meet the maximum floor heights as provided in Sec. 3.3.15, Primary Building Type Standards. The increase in height will be reviewed by relevant boards and subject to additional design criteria as outlined in the Town Design Manual.

3.3.8 TC, Town Center Design District

1. Purpose

The purpose of the Town Center district is:

1. To accommodate attached, mixed use buildings within the town center that provide local access to commercial uses.
2. To allow medium sized buildings as a transition from the Neighborhood Center to the Urban Corridor.
3. To provide a transition design district that provides a mix of uses while respecting the adjacent residential.
4. To provide the town with a predictable outcome from development and redevelopment.



2. Building Standards

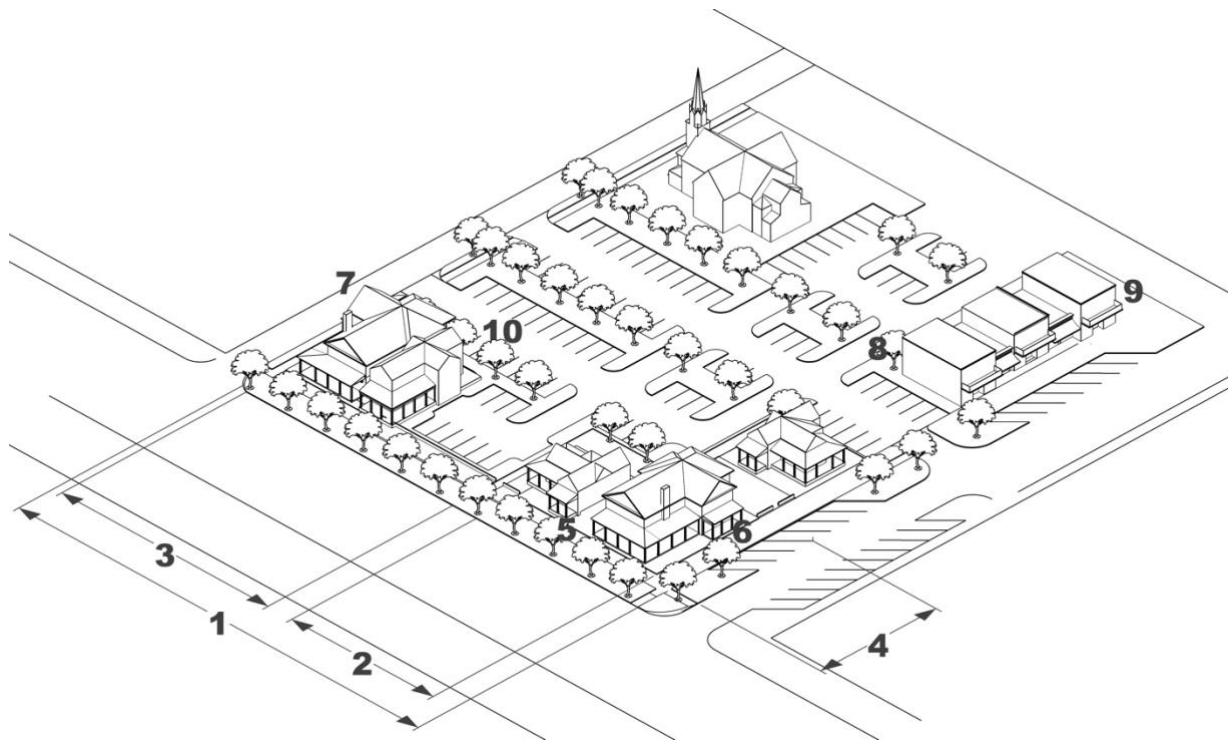
1. A grouping of attached buildings may not exceed 180 feet in aggregate length and must be interrupted by a break of at least 10 ft in width. These breaks may accommodate pedestrian accessways, thoroughfares, or narrow side yards, and may be fenced or gated at the frontage if desired.
2. The pattern of the Town Center requires buildings to extend all the way to their front lot line(s) or edge of the public street frontage requirements found in Article 4 to form a consistent streetwall.



3. Permitted Building Types (underlying zoning districts provide permitted uses)
Small Apartment Building (1)
Mixed Use Building
Store
Inn
Townhome
Live/work flex
Store (small, medium)
Civic
4. Accessory Building (most be consistent with permitted uses in underlying zoning district).
Garage
Accessory Shop

(1) Apartment Building may be brought forward to Town Council for hearing and consideration to determine the overall computability within the context of the parcel.

Town Center (TC) Design District Parameters



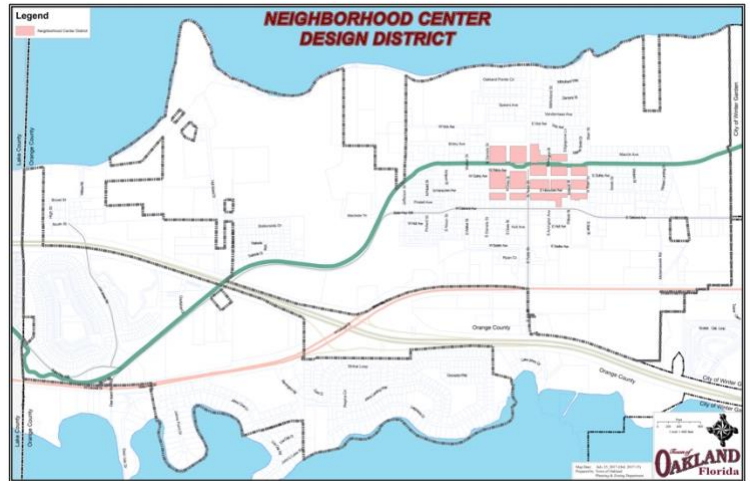
5. Lot Standards		Minimum	Maximum
1	Block Length and Width (ft)	300	300
2	Building Frontage (percentage)	60	75
3	Lot Width, min. (ft.)	30	150
4	Lot Depth, min (ft)	125	--
5	Front Yard Setback, min. (ft.)	10	15
6	Side Yard Setback, min. (ft.)	5	--
7	Corner Side Yard Setback, min. (ft.)	10	20
8	Rear Yard Setback, min. (ft.)	5 (1)	
9	Building Height, max. (ft.)		40(2)
10	Parking Location	Side or Rear	n/a
6. Other Standards			
Town Design Manual		Separate Document	
Permitted Uses		Refer to the Underlying Zoning District	
(1) Building setback shall increase to 25' when adjacent to single-family residential zoning districts.			
(2) Building height is measured from the distance of the finished grade to the top of the principal structure.			

3.3.9 NC, Neighborhood Center Design District

1. Purpose

The purpose of the Neighborhood Center district is:

1. To accommodate a range of housing and small scaled mixed-use buildings within the neighborhood center that provide predominately local access to neighborhood serving commercial and medium scaled residential.
2. To promote housing on the upper floors of mixed-use buildings.
3. To provide the community with a predictable outcome from development and redevelopment that respects and is



2. Building Standards

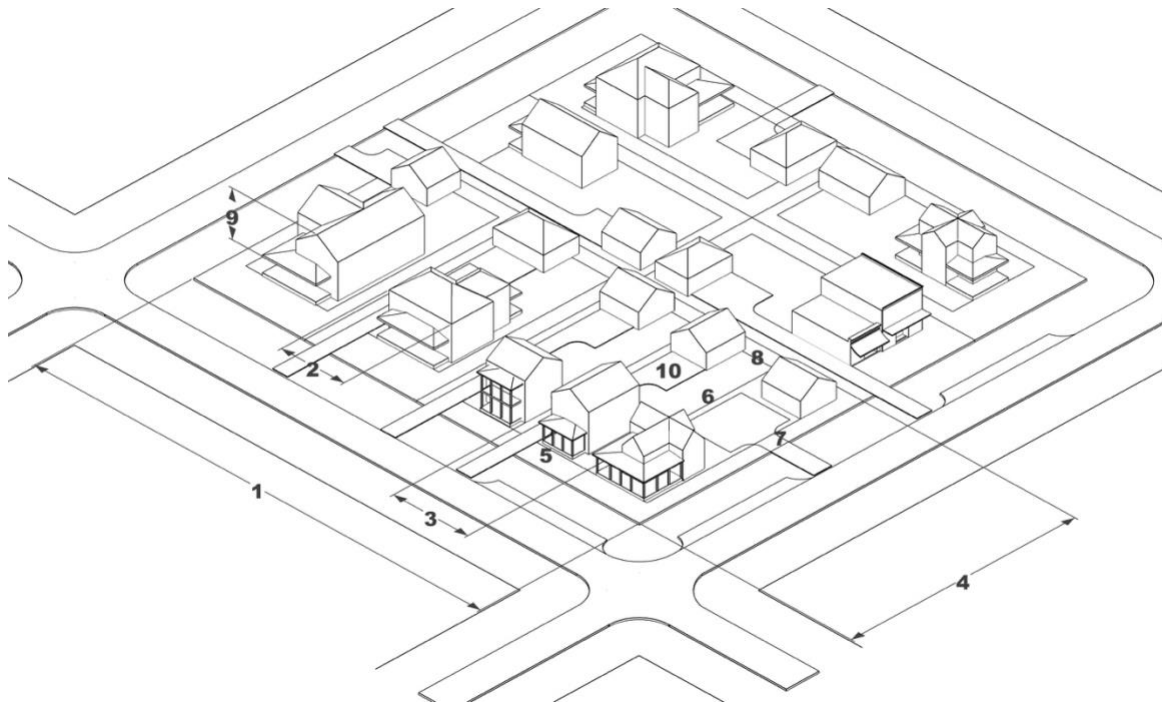
1. A grouping of attached buildings may not exceed 120 feet in aggregate length and must be interrupted by a break of at least 10 ft in width or outdoor seating, small plaza, and/or pedestrian walkways, may be setback 20-24 ft. These breaks may accommodate pedestrian accessways, thoroughfares, or narrow side yards, and may be fenced or gated at the frontage if desired.



3. Permitted Building Types (underlying zoning districts provide permitted uses)

Cottage
House
Duplex
Townhouse
Store/house
Live/work flex
Store (small)
Inn (4,000 sq.ft floorplate)
Civic
4. Accessory Building(s) (most be consistent with permitted uses in underlying zoning district).
Fabrication Shop
Accessory Shop

Neighborhood Center(NC) Design Parameters



5. Lot Standards		Minimum	Maximum
1	Block Length and Width (ft)	--	250' x 400'
2	Building Frontage (percentage)	50	75
3	Lot Width, min. (ft.)	30 (1)	100
4	Lot Depth, min (ft)	125(1)	--
5	Front Yard Setback, min. (ft.)	15	25
6	Side Yard Setback, min. (ft.)	7.5	--
7	Corner Side Yard Setback, min. (ft.)	15	25
8	Rear Yard Setback, min. (ft.)	25	
9	Building Height, max. (ft.)		35 (2)
10	Parking Location	Side or Rear	n/a

6. Other Standards	
Town Design Manual	Separate Document
Permitted Uses	Refer to the Underlying Zoning District

(1) Platted lots are exempt from the minimum standard

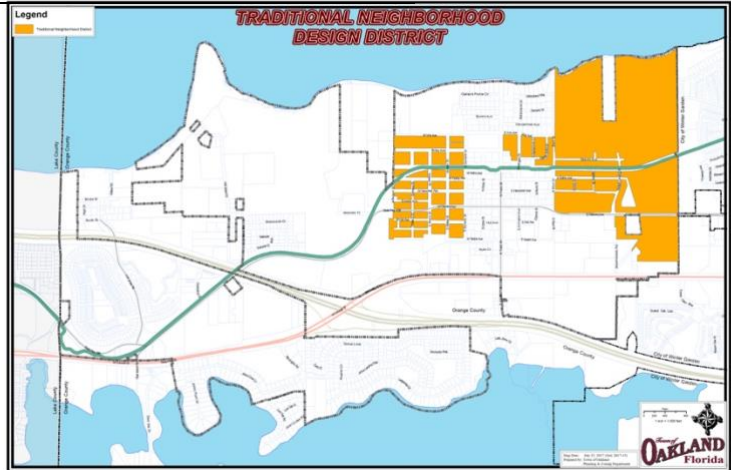
(2) Building height is measured from the distance of the finished grade to the top of the principal structure.

3.3.10 TN, Traditional Neighborhood Design District

1. Purpose

The purpose of the Traditional Neighborhood district is:

1. To accommodate areas of detached, and attached residential homes, varying in size.
2. To provide opportunities for residential uses on medium- sized lots within walking distance of the neighborhood center.
3. To provide the community with a predictable outcome from development and redevelopment.



2. Permitted Building Types (underlying zoning districts provide permitted uses)

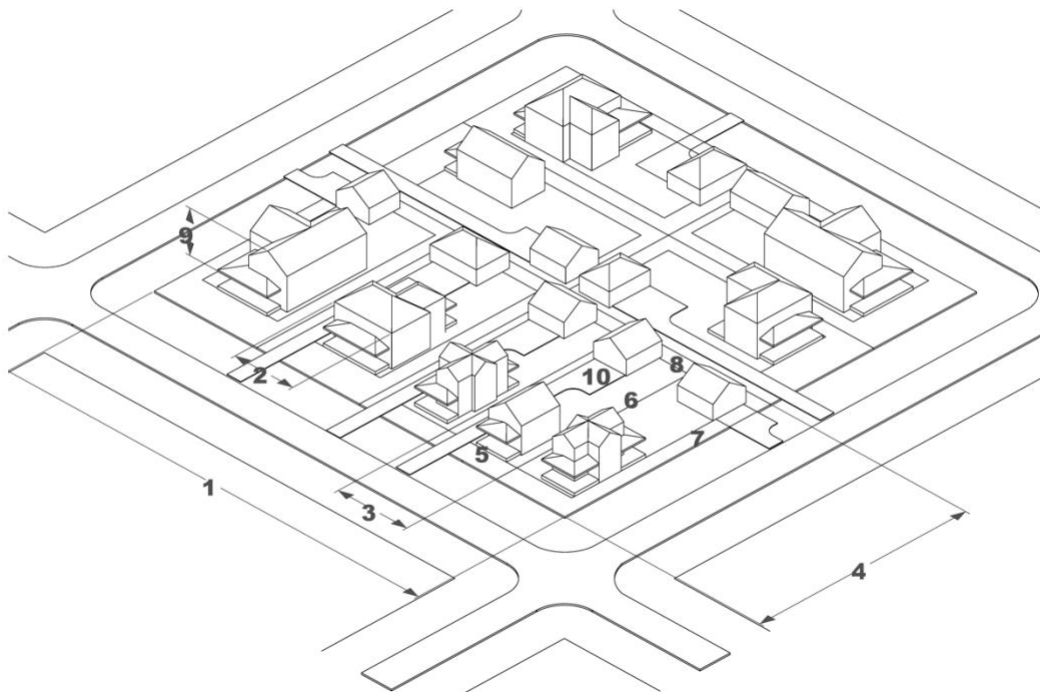
- Estate
- Cottage
- House
- Duplex
- Civic



3. Permitted Accessory Building (most be consistent with permitted uses in underlying zoning district).

- Garage
- Back cottage
- Accessory Shop

Traditional Neighborhood (TN) Design Parameters



4. Lot Standards		Minimum	Maximum
1	Block Length and Width (ft)	--	300 x 500
2	Building Frontage (percentage)	30	60
3	Lot Width, min. (ft.)	50(1)(2)	
4	Lot Depth, min (ft)	125 (2)	
5	Front Yard Setback, min. (ft.)	20	25
6	Side Yard Setback, min. (ft.)	7.5	
7	Corner Side Yard Setback, min. (ft.)	10	
8	Rear Yard Setback, min. (ft.)	20	
9	Building Height, max. (ft.)		35 (3)
10	Parking Location	Side or Rear	n/a

5. Other Standards	
Town Design Manual	Separate Document
Permitted Uses	Refer to the Underlying Zoning District

(1) Corner lots minimum lot shall be 60'

(2) Platted lots are exempt from the minimum standard

(3) Building height is measured from the distance of the finished grade to the top of the principal structure.

3.3.11 NG, Neighborhood Design District

1. Purpose

The purpose of the Neighborhood General District is:

1. To accommodate areas of detached, residential homes.
2. To provide opportunities for residential uses on larger-sized lots within close proximity to the neighborhood and town center.
3. To provide the community with a predictable outcome from development and redevelopment.



2. Permitted Building Types (underlying zoning districts provide permitted uses).

Estate House

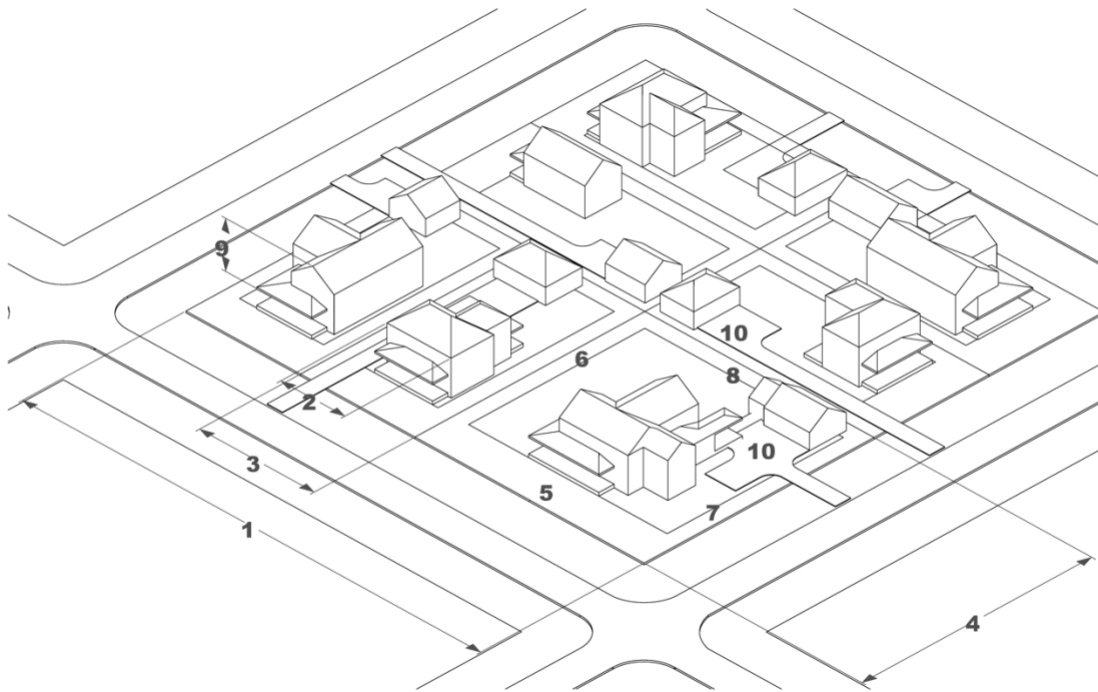
3. Accessory Building (most be consistent with permitted uses in underlying zoning district).

Garage

Back Cottage



Neighborhood General (NG) Design Parameters



4. Lot Standards		Minimum	Maximum
1	Block Length and Width (ft)	--	300 x 500
2	Building Frontage (percentage)	30	60
3	Lot Width, min. (ft.)	70(1)	
4	Lot Depth, min (ft)	125 (2)	
5	Front Yard Setback, min. (ft.)	25	30
6	Side Yard Setback, min. (ft.)	7.5	
7	Corner Side Yard Setback, min. (ft.)	10	
8	Rear Yard Setback, min. (ft.)	20 (1)	
9	Building Height, max. (ft.)		35 (3)
10	Parking Location	Side or Rear	n/a
5. Other Standards			
(Town Design Manual		Separate Document	
(Permitted Uses		Refer to the Underlying Zoning District	
(1) Corner lots minimum lot shall be 60'			
(2) Platted lots are exempt from the minimum standard			
(3) Building height is measured from the distance of the finished grade to the top of the principal structure.			

3.3.12 Assembly of Building Types, Architectural and Massing Components

A. General Building Assembly

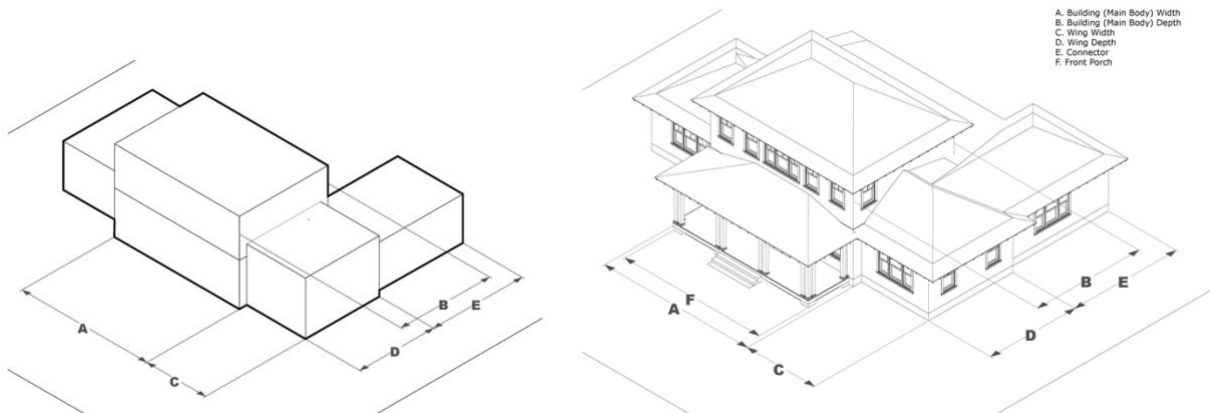
1. All primary and accessory buildings must meet the standards for one of the building types provided within this Ordinance.
2. Each primary building and accessory building type must be comprised of a main building mass (As illustrated below A & E) with a rectangular form and a roof type as provided in the Town Design Manual.
3. The following building types are not required to take a rectangular form but must meet standards for floor area, height, and setbacks: Estate houses, mixed-use building, apartment building, inn, civic building, industrial building, and hotel.
4. Accessory buildings may attach to primary buildings, and components may attach to both primary and accessory buildings.
5. The main building mass shall be clearly designed as a simple form as described in the Town Design Manual.
6. Deviations to the wall plane of primary and accessory building is permitted through articulations as outlined in the Town Design Manual.
7. For the purpose of measurement, building depth and width standards apply only to the main building mass of primary and accessory buildings. Components have unique dimensions and standards as provided in 3.3.17 Massing and Architectural Components as identified in the Illustration below, C-F.

B. Attached Buildings

1. Primary buildings may attach on one or two sides, as indicated in 3.3.15 Primary Building Types. Multiple Primary Buildings may attach to components to provide a larger overall footprint but may not increase the District's block length and width standard.
2. Primary buildings that are permitted to attach (i.e. townhome, live/work, etc) may do so on side or rear walls only.
3. An accessory building that is attached to either a primary building or another accessory building may not have a side or rear addition, except as part of a connected farm building group.
4. A building may not encroach on setbacks in order to attach to an adjacent building.
5. Primary buildings may attach to adjacent buildings on a lot line or overall site plan.
6. Townhouses and live-work/flex buildings are required to attach on one side to an adjacent townhouse or live-work/ flex building.

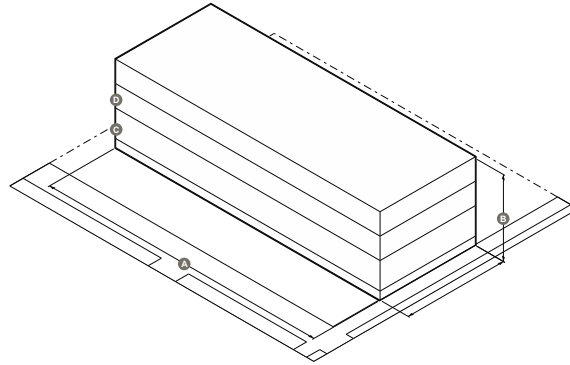
Table 1, Parcel Development by Building and Massing Components

Illustration Key	Parcel Development	Section to locate standards
A and B	Primary Building, House	Sec.
C and D	Massing Component, Wings	Sec.
E	Massing Component, Connector	Sec.
F	Massing Component, Porch	Sec.



3.3.13 Primary Building Form Standards Defined

The illustration to the right provides the overall form standards that are regulated, by building type.



A	Building Width
B	Building Depth
C	First Floor Height
D	Upper Floor(s) Height

3.3.14 Primary Building Types Summary Table by Design District

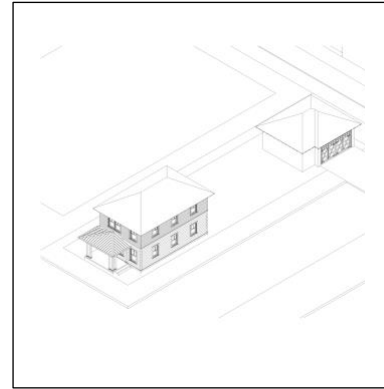
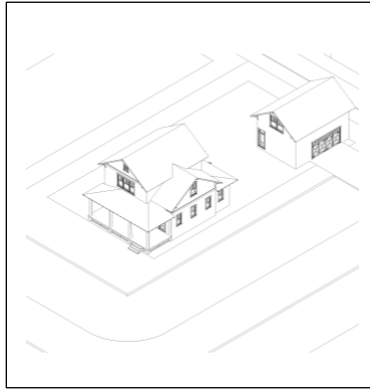
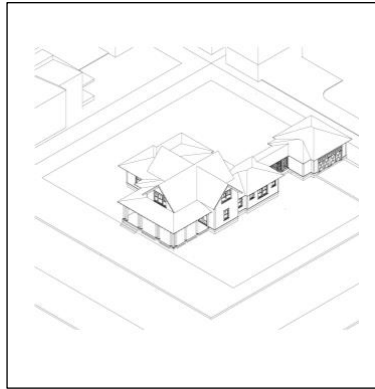
	Neighborhood General	Traditional Neighborhood	Neighborhood Center	Town Center	Urban Corridor
Estate	P	P			
House	P	P	P		
Bungalow		P	P		
Duplex		P	P		
Small apartment building				P	P
Townhouse			P	P	
Store/House			P	P	
Live/work flex			P	P	
Store			P(small)	P (small/medium)	P (small/medium/large)
Apartment building					Requires public hearing and Town Commission approval
Inn building			P(1)	P	
Mixed-use building				P	P
Hotel					P
Industrial building					P (2)
Civic building		P	P	P (2)	P (2)

Key: Blank- Not permitted, P- Permitted

(1) Inn Buildings may not exceed a building footprint of 4,000 sq.ft.

(2) Underlying zoning districts that permit this use are permitted to use this building type.

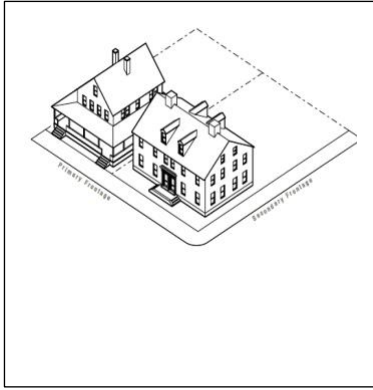
3.3.15 Primary Building Type Standards



Estate		
BUILDING FORM		
	MIN	MAX
Building Width (1)	20 ft	32 ft (1)
Building Depth (1)		46 ft (2)
Total Stories	2 1/2	
First Floor Height	9 ft	12 ft
Upper Floor Height	8 ft	10 ft
First Floor Elevation	2 ft	
FENESTRATION		
First Floor Fenestration	20 %	
Upper Floor Fenestration	20 %	
(1) The building width and depth may be interchanged as long as the width doesn't exceed the maximum building depth.		
STANDARDS		
1. A hip roof is permitted a maximum width of 36 ft.		
2. A hip roof is permitted a maximum building depth of 52 ft.		

House		
BUILDING FORM		
	MIN	MAX
Building Width (1)	21 ft	28 ft (1)
Building Depth (1)		42 ft (2)
Total Stories	2 1/2	
First Floor Height	8 ft	10 ft
Upper Floor Height	8 ft	9 ft
First Floor Elevation	2 ft	
FENESTRATION		
First Floor Fenestration	20%	
Upper Floor Fenestration	20%	
(1) The building width and depth may be interchanged as long as the width doesn't exceed the maximum building depth.		
STANDARDS		
1. A hip roof is permitted a maximum building width of 32 ft		
2. A hip roof is permitted a maximum building length of 48 ft.		

Bungalow		
BUILDING FORM		
	MIN	MAX
Building Width (1)	14 ft	25 ft
Building Depth (1)		50 ft
Total Stories	2	
First Floor Height	8 ft	9 ft
Upper Floor Height	8 ft	9 ft
First Floor Elevation	2 ft	
FENESTRATION		
First Floor Fenestration	20%	
Upper Floor Fenestration	20%	
(1) The building width and depth may be interchanged as long as the width doesn't exceed the maximum building depth.		
STANDARDS		



Duplex

BUILDING FORM

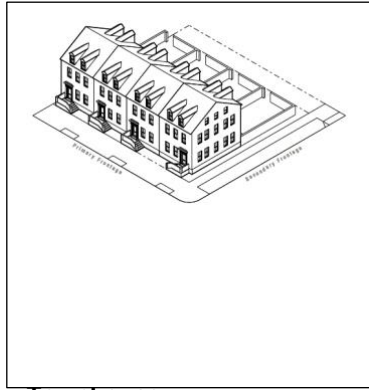
	MIN	MAX
Building Width	20 ft	28 ft (1)
Building Depth		36 ft
Total Stories		2
First Floor Height	9 ft	12 ft
Upper Floor Height	9 ft	12 ft
First Floor Elevation	2 ft	

FENESTRATION

First Floor Fenestration	20%
Upper Floor Fenestration	20%

STANDARDS

1. 32 ft for a hip roof.
2. A duplex may not attach to adjacent buildings



Townhouse

BUILDING FORM

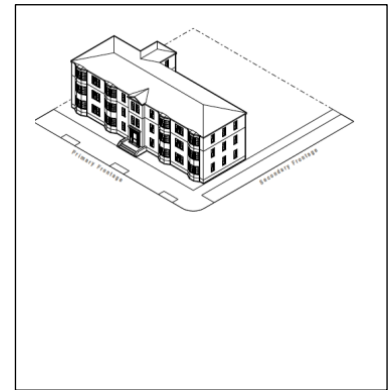
	MIN	MAX
Building Width	16 ft	36
Building Depth		48 ft
Total Stories	2 stories	2 1/2 stories(1)
First Floor Height	9 ft	12 ft
Upper Floor Height	9 ft	12 ft
First Floor Elevation	2 ft	

FENESTRATION

First Floor Fenestration	20%
Upper Floor Fenestration	20%

STANDARDS

1. NC and TC max stories shall not exceed 2 1/2
2. Units shall have a diversity of widths per building.
3. Town Center is permitted to have 7 units, Neighborhood center permitted 5 units
4. At least one side must attach to a townhouse of live/work flex.
5. End units massing & roof forms are to be articulated (28' max length) on side street.



Small Apartment Building

BUILDING FORM

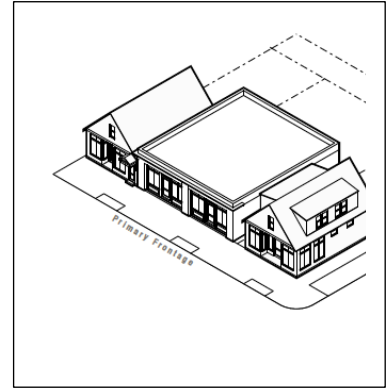
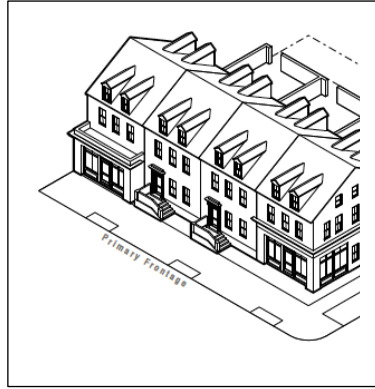
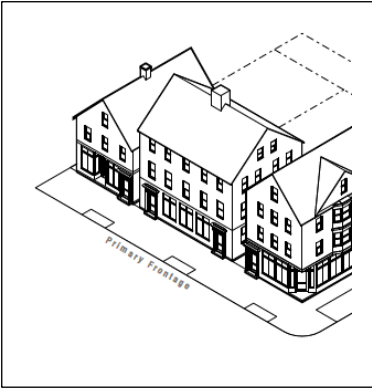
	MIN	MAX
Building Width		60 ft
Building Length		75 ft
Total Stories		2 1/2 stories
First Floor Height	9 ft	15 ft
Upper Floor Height	9 ft	12 ft
First Floor Elevation	2 ft	

FENESTRATION

First Floor Fenestration	20%
Upper Floor Fenestration	20%

STANDARDS

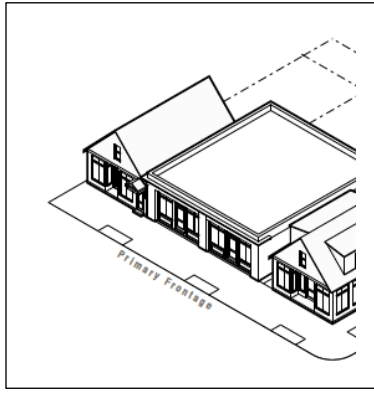
1. Maximum stories permitted in the Town Center is 2 stories .



Store/House		
BUILDING FORM		
	MIN	MAX
Building Width		36 ft
Building Depth		55 ft
Total Stories		2 1/2 stories (1)
First Floor Height	12 ft	14 ft
Upper Floor Height	9 ft	??
First Floor Elevation	0 ft	
FENESTRATION		
Storefront	Required	
First Floor Fenestration	20%	
Upper Floor Fenestration	20%	
STANDARDS		
1. Maximum stories in the neighborhood center is 2.		
2. Storefront fenestration is required on the first floor façade of the primary frontage.		
3. A porch or gallery may be built on the third story of a primary frontage provided there is not a porch or gallery directly below it on both the first and second floors.		

Live/work flex		
BUILDING FORM		
	MIN	MAX
Building Width	18 ft	30 ft
Building Depth		60 ft
Total Stories	2 stories	3 stories (1)
First Floor Height	9 ft	14 ft
Upper Floor Height	9 ft	12 ft
First Floor Elevation	0 ft	
FENESTRATION		
Storefront	Optional	
First Floor Fenestration	60%	
Upper Floor Fenestration	20%	
STANDARDS		
1. Maximum stories permitted in the Town Center is 2 stories .		
2. Fenestration minimum may be reduced if the first floor is residential.		
3. At least one side must attach to a townhouse of live/work flex.		

Store- Small		
BUILDING FORM		
	MIN	MAX
Building Width	18 ft	30 ft
Building Depth		60 ft
Total Stories		1 story
First Floor Height		20 ft
Upper Floor Height	N/A	
First Floor Elevation	0 ft	
FENESTRATION		
Storefront	Required	
First Floor Fenestration	60%	
Upper Floor Fenestration		
STANDARDS		

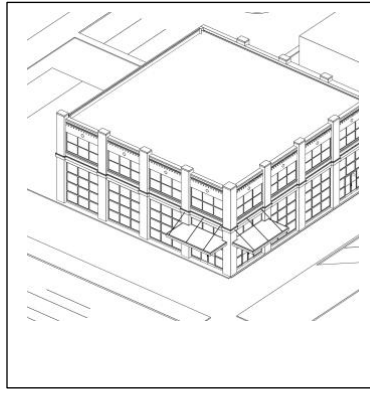


Store-Medium

BUILDING FORM		
	MIN	MAX
Building Width	18 ft	90 ft
Building Depth		60 ft
Total Stories		1 story
First Floor Height		20 ft
Upper Floor Height	N/A	
First Floor Elevation	0 ft	

FENESTRATION

Storefront	Required
First Floor Fenestration	60 %
Upper Floor fenestration	

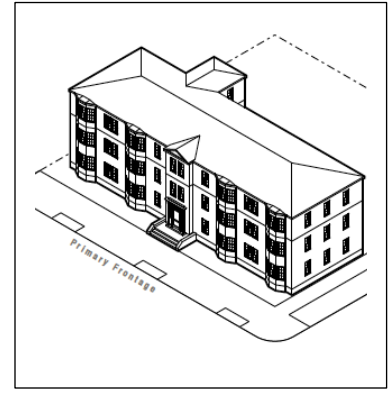


Store-Large

BUILDING FORM		
	MIN	MAX
Building Width	18 ft	150 ft
Building Depth		300 ft
Total Stories		1 story
First Floor Height		20 ft
Upper Floor Height	N/A	
First Floor Elevation	0 ft	

FENESTRATION

Storefront	Required
First Floor Fenestration	60 %
Upper Floor fenestration	



Apartment Building

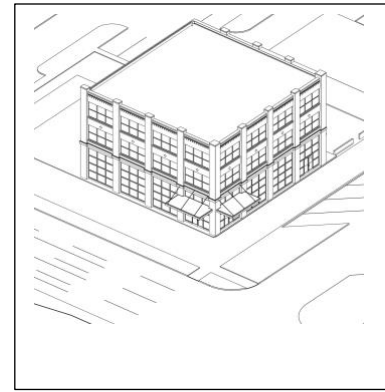
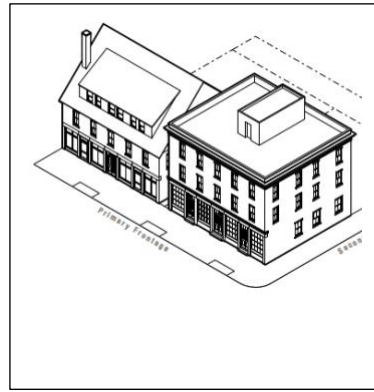
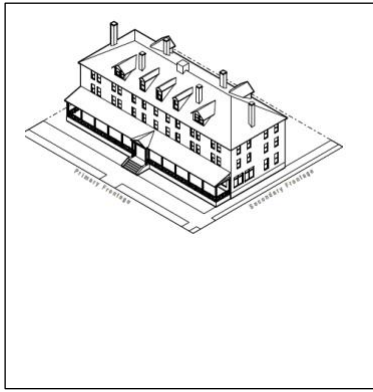
BUILDING FORM		
	MIN	MAX
Building Footprint		12,000 sq.ft
Building Depth		180 ft
Total Stories		4 stories (1)
First Floor Height	9 ft	15 ft
Upper Floor Height	9 ft	12 ft
First Floor Elevation	2 ft	

FENESTRATION

First Floor Fenestration	20%
Upper Floor Fenestration	20%

STANDARDS

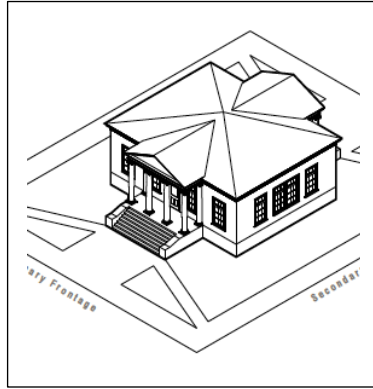
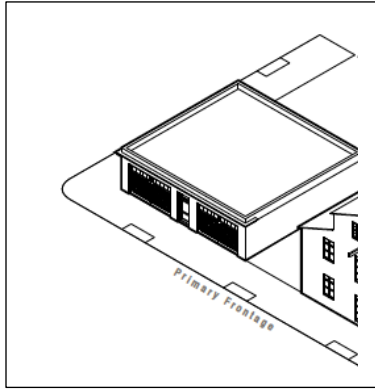
1. An applicant may apply to increase the height to an additional two stories as through the ARB, PB, and Town Commission when additional design is applied, per the Urban Design Manual.
2. Stairs must be integrated into the building design and completely enclosed.



Inn Building		
BUILDING FORM		
	MIN	MAX
Total Building Area		varies(1)
Building Depth		120 ft
Total Stories		2 1/2
First Floor Height	10 ft	12 ft
Upper Floor Height	9 ft	12 ft
First Floor Elevation	2 ft	
FENESTRATION		
First Floor Fenestration	40%	
Upper Floor Fenestration	40%	
STANDARDS		
1. 8,000 sq.ft/ TC 4,000 sq. ft /NC		

Mixed-use building		
BUILDING FORM		
	MIN	MAX
Total Buildable Area		varies(1)
Building Width		90 ft (TC) 180 ft (UC)
Total Stories	2	4 (2)
First Floor Height	14 ft	16 ft
Upper Floor Height	10 ft	12 ft
First Floor Elevation		0
FENESTRATION		
Storefront	Required	
First Floor Fenestration	50%	
Upper Floor Fenestration	20%	
STANDARDS		
1. 6,000 sq.ft (TC) 12,000 sq.ft (UC) 2. Storefronts are required on the first floor of the primary frontage. 3. Maximum stories permitted in the Town Center is 2 stories . An applicant may apply to increase the height, in the Urban Corridor, to an additional two stories as through the ARB, PB, and Town Commission when additional design is applied, per the Urban Design Manual.		

Hotel		
BUILDING FORM		
	MIN	MAX
Building Floorplate		12,000 sq.ft
Building Width		180 ft.
Total Stories		4 (1)
First Floor Height	12 ft	16 ft
Upper Floor Height	9 ft	16 ft
First Floor Elevation		
FENESTRATION		
First Floor Fenestration	50%	
Upper Floor Fenestration	20%	
STANDARDS		
1. An applicant may apply to increase the height to an additional two stories as through the ARB, PB, and Town Commission when additional design is applied, per the Urban Design Manual.		



Industrial		
BUILDING FORM		
	MIN	MAX
Building Floorplate		32,000 sq.ft
Building Width		160 ft
Total Stories		3
First Floor Height	9 ft	
Upper Floor Height	9 ft	
First Floor Elevation	0 ft	
FENESTRATION		
Storefront		Optional
First Floor Fenestration	30%	
Upper Floor fenestration	30%	
STANDARDS		

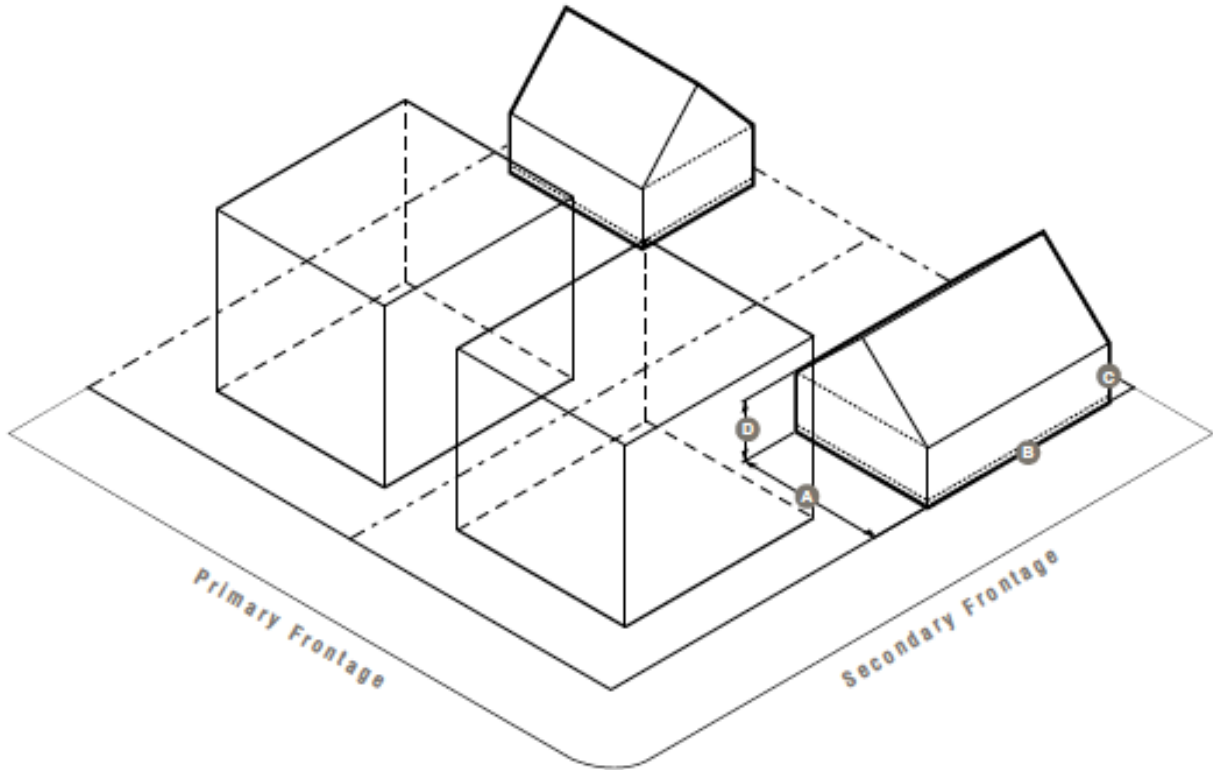
Civic Building		
BUILDING FORM		
	MIN	MAX
Building Floorplate		8,000 sq.ft
Building Width		
Total Stories		varies (1.)
First Floor Height	15 ft	
Upper Floor Height	12 ft	
First Floor Elevation	0 ft	
FENESTRATION		
First Floor Fenestration	20%	
Upper Floor fenestration	20%	
STANDARDS		

1. Some civic uses require no windows for much of their exterior. The ARB will review and make recommendations to modifying fenestration.

3.3.16 Accessory Structure Standards

The massing The following accessory structure standards are provided. The design district provides the type of accessory structure that may be used, the Underlying Zoning district determines the eligibility of the use. This section provides the design criteria required, by accessory structure.

A. Garage



a. DESCRIPTION

An accessory building that provides space for parking, a workshop, an accessory unit, or a combination thereof.

b. ACCESSORY BUILDING PLACEMENT

Primary Front Setback	(1)
Secondary Front Setback	5 ft min
Side Setback	5 ft min
Rear Setback	5 ft min

c. BUILDING FORM

Building Width	24 ft max
Building Length	36 ft max
Total Stories	2 stories max
First Floor Height	9 ft min, 15 ft max
Upper Floor Height	9 ft min, 12 ft max
First Floor Elevation	0 ft min
Roofs	see Roof Types
Attachments	1 max

d. ALLOWABLE UNITS

1 unit max	varies
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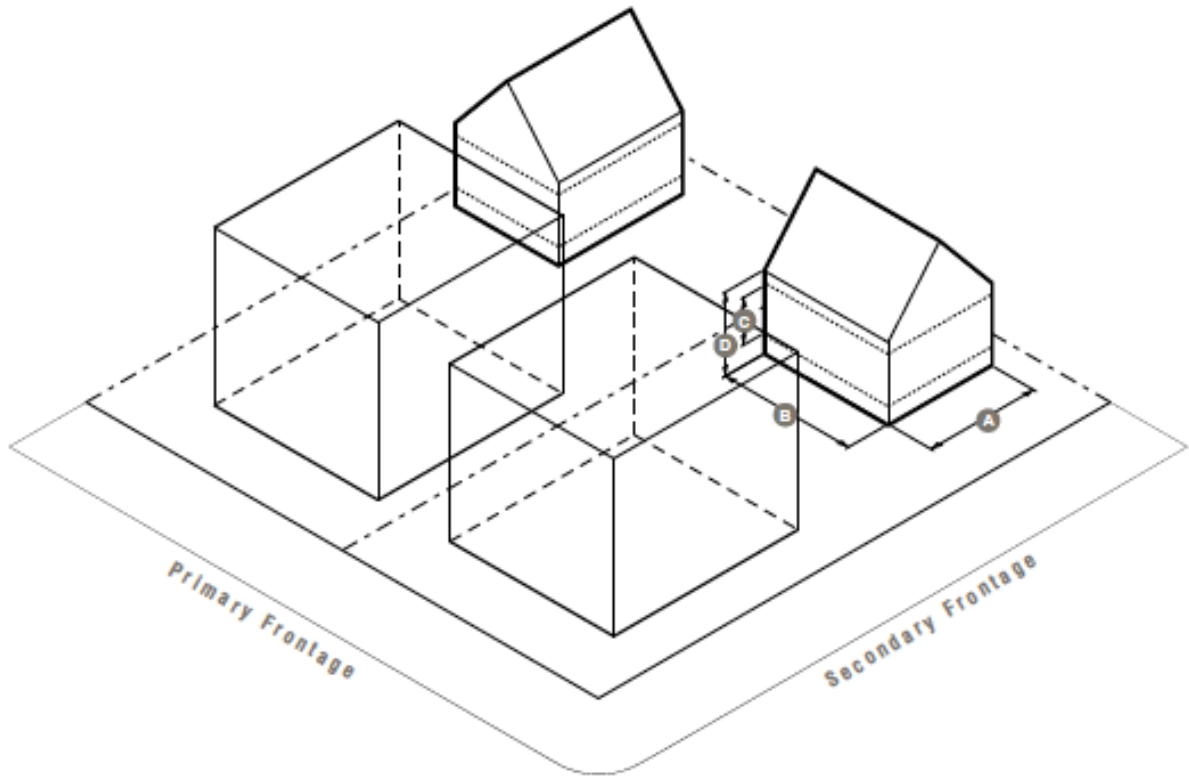
e. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

1. The Garage must be set back at least 20 ft from the front facade of the primary building.

B. Back Cottage



a. DESCRIPTION

An accessory building that provides space for an accessory dwelling unit.

b. ACCESSORY BUILDING PLACEMENT

Primary Front Setback	(1)
Secondary Front Setback	5 ft min
Side Setback	5 ft min
Rear Setback	5 ft min

c. BUILDING FORM

Building Width	24 ft max
Building Length	36 ft max
Total Stories	1 stories max
First Floor Height	9 ft min, 15 ft max

d. ALLOWABLE UNITS

1 unit max	residential
------------	-------------

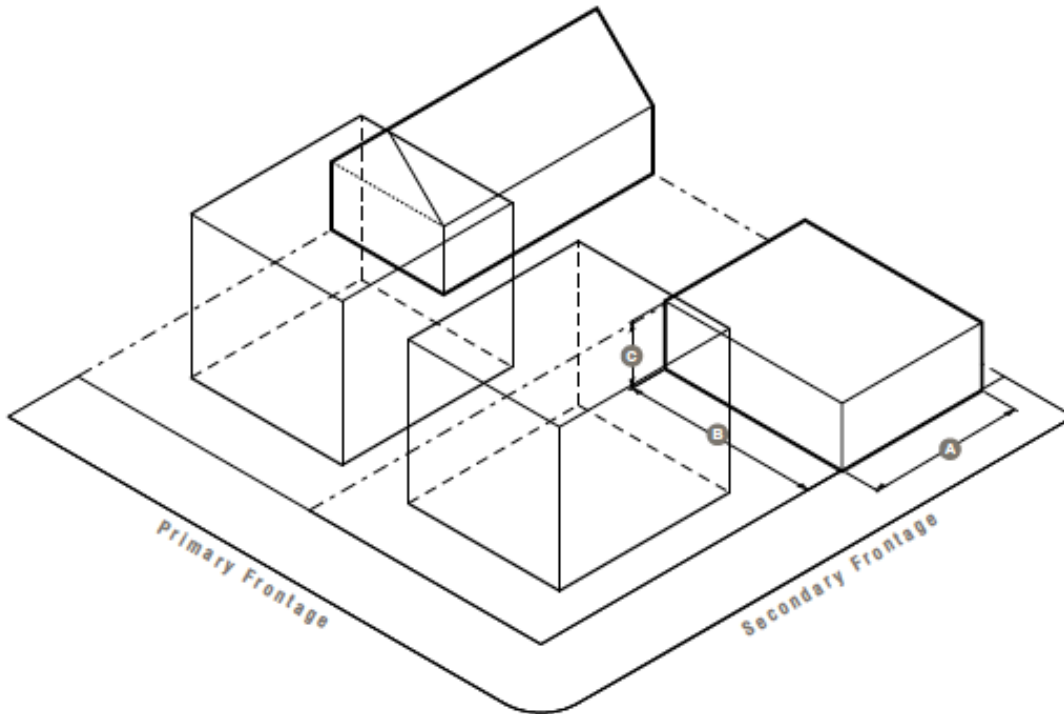
e. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

1. The back cottage must be set back at least 20 ft from the front facade of the primary building.

C. Fabrication Shop



a. DESCRIPTION

An accessory building that provides space for fabrication uses.

b. ACCESSORY BUILDING PLACEMENT

Primary Front Setback	(1)
Secondary Front Setback	5 ft min
Side Setback	5 ft min
Rear Setback	5 ft min

c. BUILDING FORM

Building Width	30 ft max	A
Building Length	30 ft max	B
Total Stories	1 stories max	C
First Floor Height	9 ft min, 15 ft max	

d. ALLOWABLE UNITS

1 unit max	varies
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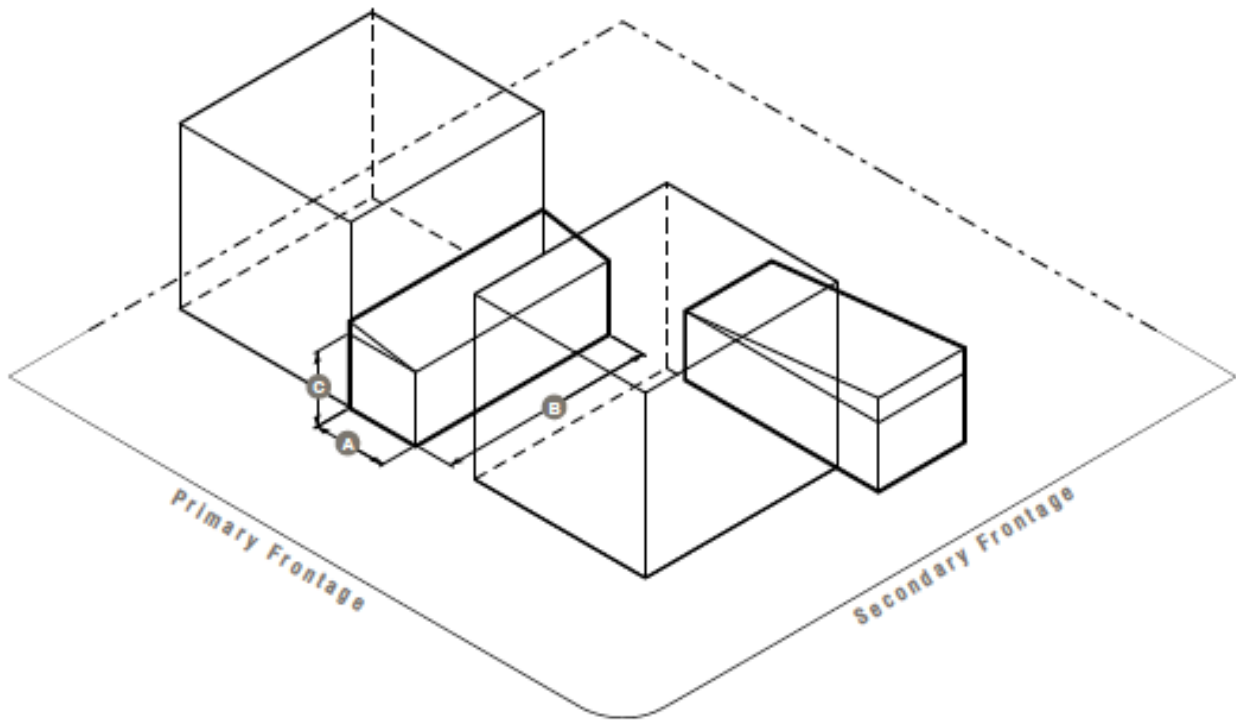
e. FENESTRATION

First Floor Fenestration	20% min
Upper Floor Fenestration	20% min

f. STANDARDS

1. The fabrication shop must be setback at least 20 ft from the front facade of the primary building.

D. Accessory Shop



a. DESCRIPTION

An accessory building that provides space for commercial uses.

b. ACCESSORY BUILDING PLACEMENT

Primary Front Setback	(1)
Secondary Front Setback	5 ft min
Side Setback	5 ft min
Rear Setback	5 ft min

c. BUILDING FORM

Building Width	16 ft max	A
Building Length	36 ft max	B
Total Stories	1 story max	C
First Floor Height	10 ft min, 15 ft max	

d. ALLOWABLE UNITS

1 unit max	commercial
------------	------------

e. FENESTRATION

Shopfront	required
First Floor Fenestration	20% min
Upper Floor Fenestration	n/a

f. STANDARDS

- The accessory building may be setback in line with the primary building placement.

3.3.17 Massing and Architectural Components

The massing and architectural component requirements provides a flexible system for enabling the construction of new buildings and the expansion and modification of existing buildings. This section applies to all buildings, including primary buildings (comprised of a main building mass and components) and accessory buildings (comprised of a primary building, massing components and architectural components). No building or fire codes shall be violated to meet any of the following standards.

A. General

1. At least one component is required per primary building except on the mixed-use building.
2. Occupiable roof mounted architectural structures such as Roof decks, cupolas, and mechanical penthouses are only allowed by approval of the Administrative official by applying the standards put forward as outlined in the Town Design Manual.

B. Attachments

1. Permitted components, both massing and architecture, are by Residential and Non-Residential as outlined in C and E for Residential and F for Non-Residential of this section.
2. All components may attach to other components, unless otherwise indicated.
3. All components are allowed to stack on top of one another, unless otherwise indicated.
4. Multiple components of the same type may be used more than once, unless otherwise indicated.
5. Multiple components of the same type may not attach to each other, unless specifically allowed, and must be separated horizontally by a distance of no less than 1 ft.
6. Two components may not occupy the same space (overlap), unless specifically allowed.

C. Residential Permitted Massing Components

The following massing components are permitted. Basic standards are provided in the Ordinance; additional design criteria is included in the Town Design Manual.

- | | |
|------------------|------------------|
| 1. Porch | 6. Cross Gable |
| 2. Gallery | 7. Shed Dormer |
| 3. Side Wing | 8. Dormer |
| 4. Rear Addition | 9. Porte-Cochere |
| 5. Connector | |

D. Residential Permitted Architectural Components

The following architectural components are permitted. Basic Standards are provided in the Ordinance; additional design criteria is included in the Town Design Manual.

1. Stoop
2. Canopy
3. Portico
4. Balcony
5. Bay Window
6. Dormer Window
7. Deck
8. Roofdeck
9. Cupola
10. Awning

E. Non-Residential Permitted Architectural Components

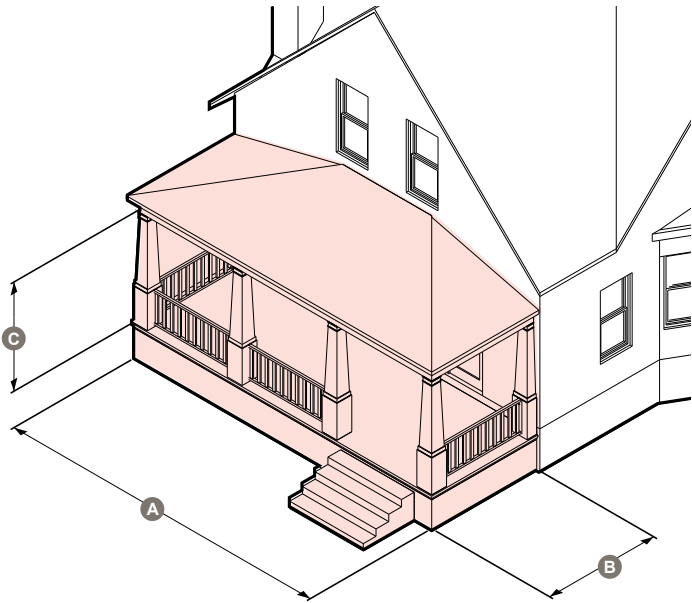
The following architectural components are permitted. Basic Standards are provided in the Ordinance; additional design criteria is included in the Town Design Manual.

1. Canopy
2. Balcony
3. Deck
4. Cupola
5. Awning

F. Massing and Architectural Standards

The following massing and architectural components are provided. The town design manual outlines the permitted component, by building type and design district

1. PORCH



a. DESCRIPTION

A raised platform with stairs that provides access to a building entrance.

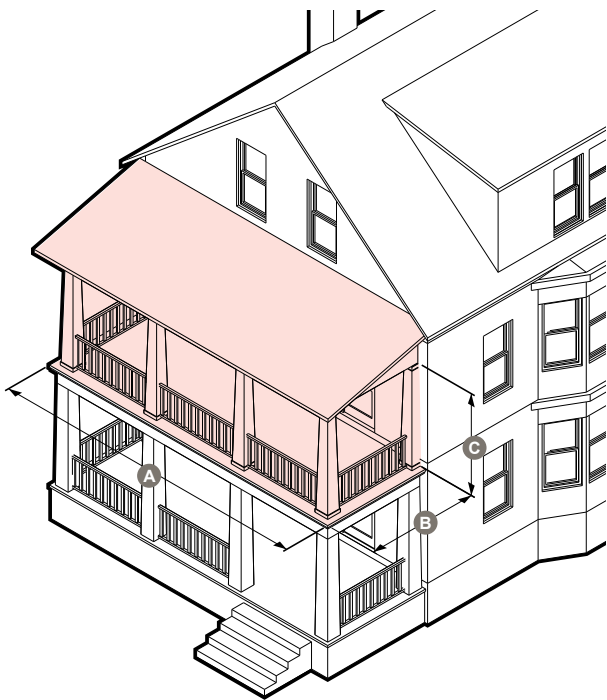
b. DIMENSIONS

Width	No more than the width of the adjoining building face	A
Projection	6 ft min, 12 ft max	B
Height	7 ft min	C
Fenestration	60% min when enclosed	

c. STANDARDS

1. Porches may be partially or fully enclosed.
2. Porches may be projecting, engaged, or integral.
3. Porches may wrap around corners to attach to porches, galleries, decks, or balconies on abutting building faces.
4. Stairs may extend off the front or side of the porch, except when a porch is located on an upper floor in which case the stairs cannot be located along the primary frontage.
5. When built on an upper floor, porches must be supported from below by a porch, arcade, or other supporting component; or visually supported by brackets, corbels, or beams along its full depth.
6. When built at the first floor, the space between piles or piers must be enclosed with latticework or similar material, or concealed visually by evergreen landscaping, on all sides.

2. GALLERY



a. DESCRIPTION

A raised, roofed platform that provides additional living space, with access solely from the interior of a building.

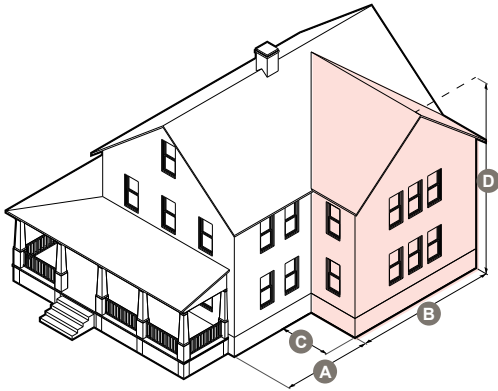
b. DIMENSIONS

Width	No more than the width of the building face to which it attaches	A
Projection	6 ft min, 12 ft max	B
Clear Height	7 ft min	C
Fenestration	60% min when enclosed	

c. STANDARDS

1. Galleries may be partially or fully enclosed.
2. Galleries may be projecting or integral.
3. Galleries may wrap around corners to attach to porches, decks, balconies, or other galleries on abutting building faces.
4. When built on an upper floor, galleries must be supported from below by a porch, arcade, or other supporting component; or visually supported by brackets, corbels, or beams along its full depth.
5. When built at the first floor, the platform must extend visually to the ground plane.

3. SIDE WING



a. DESCRIPTION

A multi-story extension from the side walls of a primary building or accessory building.

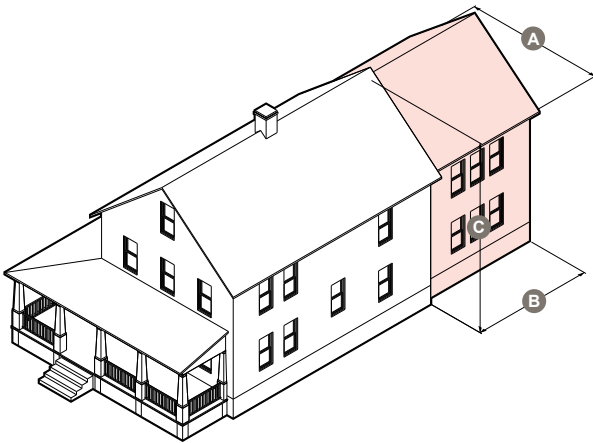
b. DIMENSIONS

Setback from Facade	8 ft min	A
Width	max 2/3 width of primary building	B
Projection	max 2/3 depth of primary building	C
Absolute Height	Equal to or less than height of primary building	D
Fenestration	20% min	

c. STANDARDS

1. Side wings may not encroach on setbacks.
2. The primary building may only have one side wing per side.
3. Side wings may be centered or offset at the side wall of the primary building, provided they share at least 6 ft with the common wall.
4. A side wing may only attach to a primary or accessory building, though other components may attach to it.
5. The side wing may be used for vehicular parking, provided the **garage** doors are not within the frontage zone.

4. REAR ADDITION



a. DESCRIPTION

An extension from the rear wall of a primary building or accessory building.

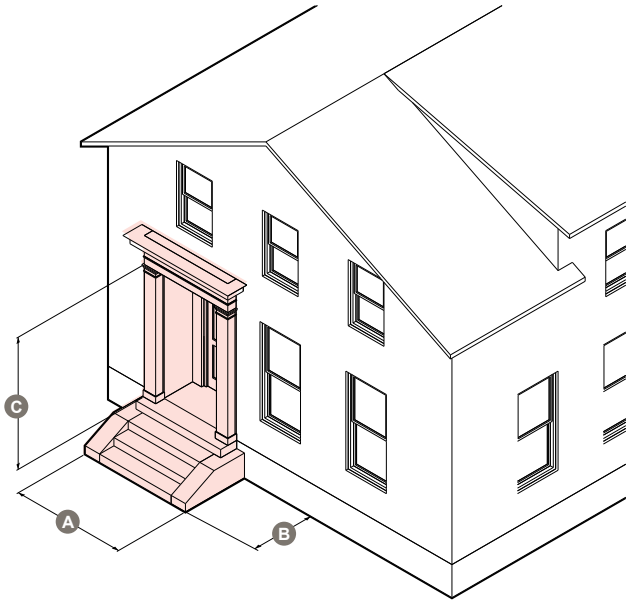
b. DIMENSIONS

Width	Max width of rear wall, less 2 ft	A
Projection	Less than or equal to the width of the main building mass	B
Height	Equal to or less than height of main building mass	C
Fenestration	20% min	

c. STANDARDS

1. Rear additions may not encroach on setbacks.
2. The primary building may only have one rear addition.
3. Rear additions may be centered or offset at the rear wall of the main building mass, provided they share at least 6 ft with the common wall.
4. The side wing may be used for vehicular parking, provided the **garage** doors are not within the frontage zone.

5. STOOP



a. DESCRIPTION

A component type featuring set of stairs with a landing leading to the entrance of a building.

b. DIMENSIONS

Width	3 ft 6 in min	A
Projection	3 ft 6 in min	B
Height	7 ft min when recessed	C

c. STANDARDS

1. Stoops may be recessed into the building facade.
2. Stoop may be built perpendicular or parallel to the building face, but must lead directly to ground level or an abutting sidewalk from the building entrance.
3. A Recessed stoop may not be enclosed.
4. Stoops, when built as part of a townhouse or live/work flex building, may be configured as a split stair to access a below grade unit.
5. If a stoop is built encroaching onto a public sidewalk, it must provide at least 3 ft clear and unobstructed between its outermost face and the face of the curb.

6. CONNECTOR



a. DESCRIPTION

A narrow, roofed extension meant to link a main building mass to an accessory building or to a component of an accessory building.

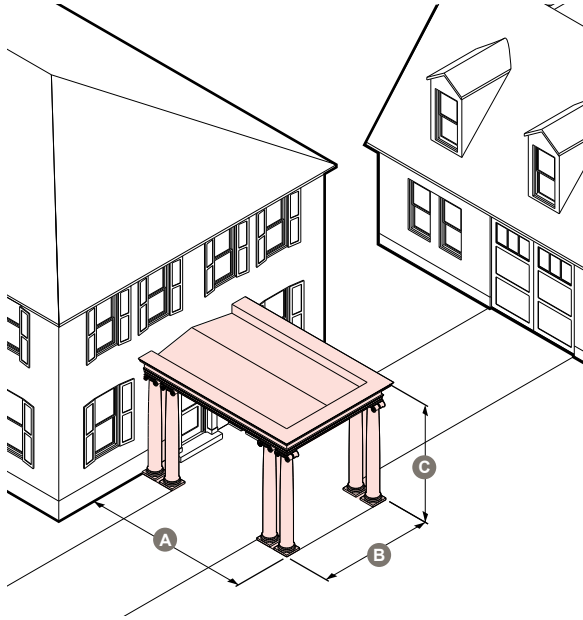
b. DIMENSIONS

Length	Equal to or less than the length of the primary building (1)	A
Width	8 ft min, max 2 feet less than the narrowest building face or component face to which it attaches.	B
Absolute Height	May be one or more stories in height, but may not exceed the eave height of the smallest building element to which it is linked.	C
Fenestration	10% min	

c. STANDARDS

1. Must attach on at least one side to the primary building.
2. Connectors may not encroach on setbacks.

7. PORTE-COCHERE



a. DESCRIPTION

A roofed, building element through which a vehicle may pass, and that provides shelter from inclement weather.

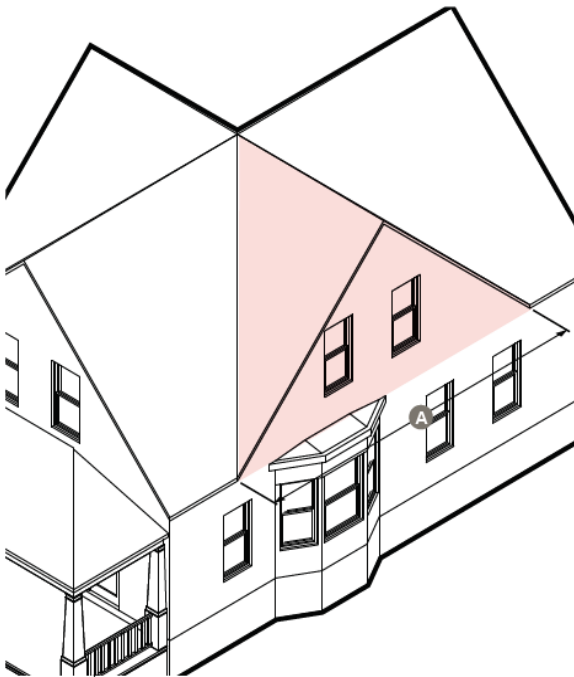
b. DIMENSIONS

Width	16 ft max (4)	A
Projection	9 ft min (4)	B
Height	1 Story (4)	C

c. STANDARDS

1. Porte-cocheres may link any two buildings or components.
2. Front and back faces of the porte-cochere must have openings of dimension sufficient to pass a vehicle through at the ground level.
3. Garage-style lifting doors are not permitted on a porte-cochere.
4. When associated with a commercial drive-through, the following standards apply, replacing any above standards as required:
 - a. When located on the side of a building, a porte-cochere must be attached to the primary building, must be shorter than the eave of the building or no more than 16 ft in absolute height (whichever is lesser), and may not project more than 12 ft.
 - b. When located on the side of a building, porte-cochere materials should match the materials used on the primary building.

8. CROSS GABLE



a. DESCRIPTION

A gable or gambrel roof that projects perpendicular from the roof of the primary building to increase the habitable space within a roof.

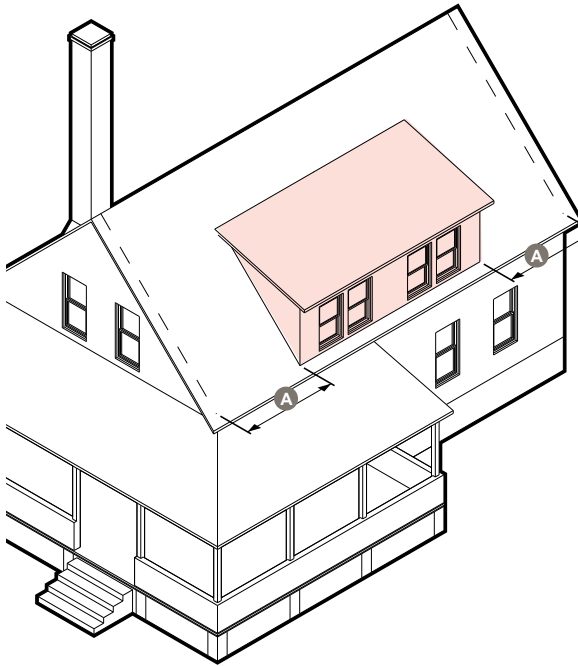
b. DIMENSIONS

Width	Equal to eave width of the narrowest face of the primary building.	A
Height	The ridge beam of the cross gable may not be higher than the ridge beam of the primary building.	B
Fenestration	20% min	

c. STANDARDS

1. Cross Gables may project outward from a building face (to a maximum of 12 ft) if supported from below by a component or visually supported by brackets, corbels, or a beam.
2. Two cross gables of equal size and roof pitch may be used together and may occupy the same space, with an overlap of no more than 1/2 the width of each.

9. SHED DORMER



a. DESCRIPTION

A room, or portion of a room with a shed roof that projects vertically from the roof a building element, designed to provide increased light and expand the habitable space under a roof.

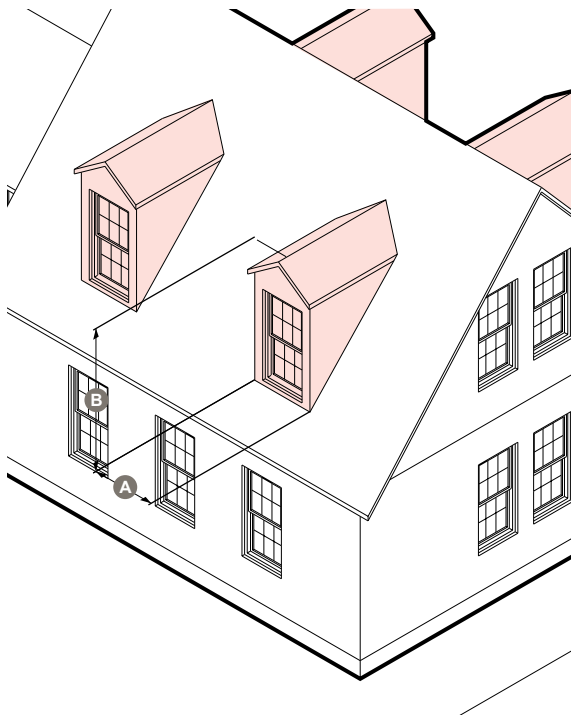
b. DIMENSIONS

Gable End Setback	1 ft min (3)	A
Fenestration	20% min	

c. STANDARDS

1. The windows in a shed dormer should be vertically proportioned and no more than 3 ft wide.
2. The face of the shed dormer must not project beyond the building eaves.
3. Gable end setbacks may be 0 ft from the building face when not visible from a thoroughfare (not including alleys).

10. DORMER WINDOW



a. DESCRIPTION

A window or group of up to 3 windows with a gable, hip, or shed roof that projects vertically from the roof a building element, designed to provide increased light and expand the habitable space within a roof.

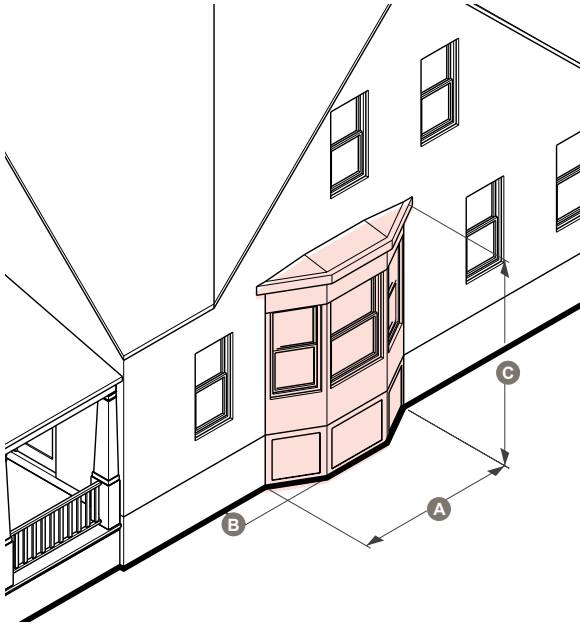
b. DIMENSIONS

Width	(2)	A
Height	(4)	B

c. STANDARDS

1. The window(s) in a dormer window should be vertically proportioned and no more than 3 ft wide.
2. The total width of a dormer window must be no more than 18 inches wider than the rough opening required for its' windows.
3. The face of the dormer window must not project beyond the building eaves.
4. When attached to a mansard or gambrel roof, the eave of the dormer may not pass above the chine of the roof.

11. BAY WINDOW



a. DESCRIPTION

A enclosed window assembly extending from the face of a building element to permit increased light, multi-directional views, and articulate a building facade.

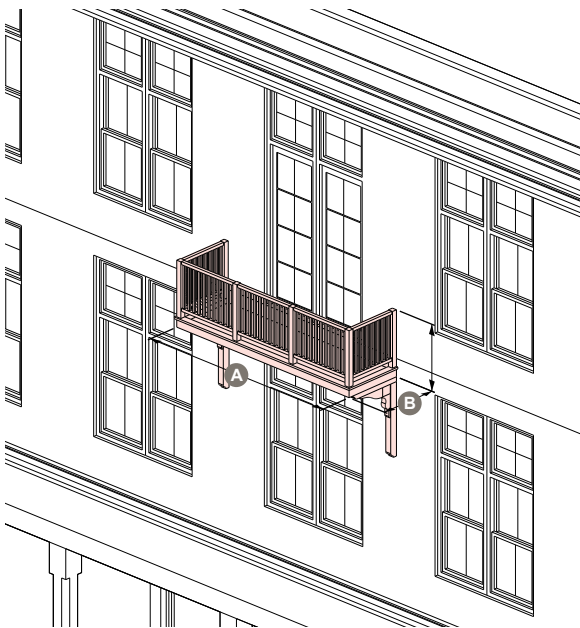
b. DIMENSIONS

Width	16 ft max	A
Projection	6 in min, 4 ft max	B
Top Plate Height	Max equal to total number of full building stories.	C
Fenestration	30% min	

c. STANDARDS

1. Bay windows must be visually supported by brackets, corbels, or a beam along their full depth or, when built at the first floor, may extend visually to the ground plane.
2. Bay windows may only attach to the main building mass, additions, accessory buildings, towers, porte-cocheres, connectors, cross-gables, extended shopfronts, and penthouses.
3. Bay windows may intersect with and occupy the same space as porches, balconies, galleries, arcades, and decks.
4. Bay windows must attach to a single building face and may not wrap around corners.
5. Bays windows may be two sided, multi-sided, or curved.
6. Bay windows may provide openings for doorways or windows.

12. BALCONY



a. DESCRIPTION

An unroofed platform attached to a building face with a railing that provides outdoor space above the first floor.

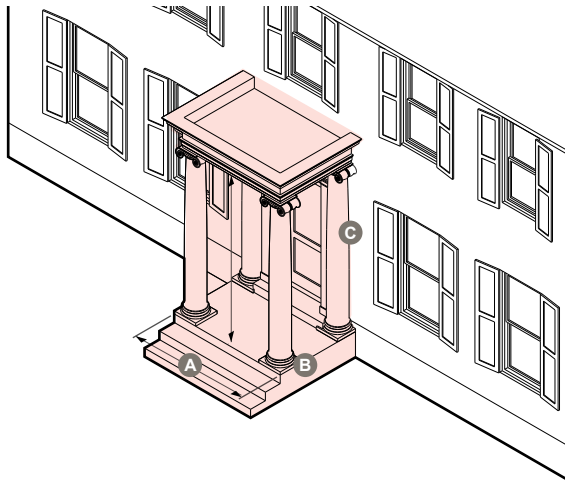
b. DIMENSIONS

Width	No more than the width of the adjoining building face.	A
Projection	8 ft max	B

c. STANDARDS

1. Balconies are only permitted on upper stories.
2. Balconies may not be enclosed and must be unroofed unless it is recessed into the envelope of the building or component to which it is attached.
3. Balconies may be projecting, integral, terraced, or a combination thereof.
4. Balconies may wrap around corners to attach to galleries, porches, decks, or balconies on abutting building faces.
5. A balcony must be visually supported by brackets, corbels, or beams along its full width, or physically supported by another component.
6. A projecting balcony must have a clear height above the ground of at least 10 ft.
7. The railing of any balcony oriented toward a frontage must have posts and railings with spacing, except when recessed into the envelope of the building to which it is attached.
8. When built on top of a porch, gallery, portico, or arcade, the balcony may extend to the boundaries of the component below.

13. PORTICO



a. DESCRIPTION

A roofed structure above a stoop or platform supported on columns or pillars, which shields occupants from inclement weather and provides access to a building entrance.

b. DIMENSIONS

Width	3 ft 6 in min	A
Projection	3 ft 6 in min, 8 ft max	B
Height	8 ft min	C
Fenestration	n/a	

c. STANDARDS

1. No span between columns or pillars may be larger than the height of adjacent columns or pillars.
2. A portico may not exceed the height of the primary ridge beam on the building element to which it attaches.
3. A portico must be elevated on a platform at least 1 foot from the surface of the ground.

14. CANOPY



a. DESCRIPTION

A fixed, wall mounted overhang extending from a building to provide shade and weather protection for pedestrians.

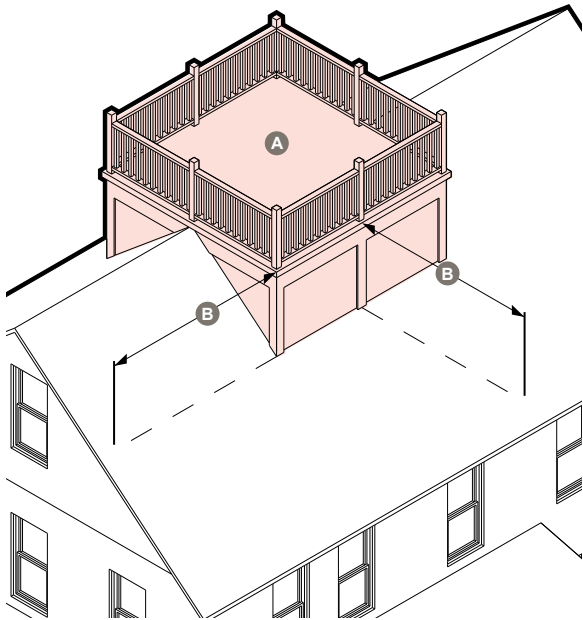
b. DIMENSIONS

Width	4 ft min	A
Projection	3 ft min	B
Height	8 ft min	C

c. STANDARDS

1. Canopies should be visually supported on wood or metal brackets, or suspended by cable or chain.
2. Canopies should be inset from the corners of the wall to which they are attached by at least 3 inches.

15. ROOF DECK



a. DESCRIPTION

A raised uncovered platform with a railing on the roof of a building that provides outdoor amenity space and access to views.

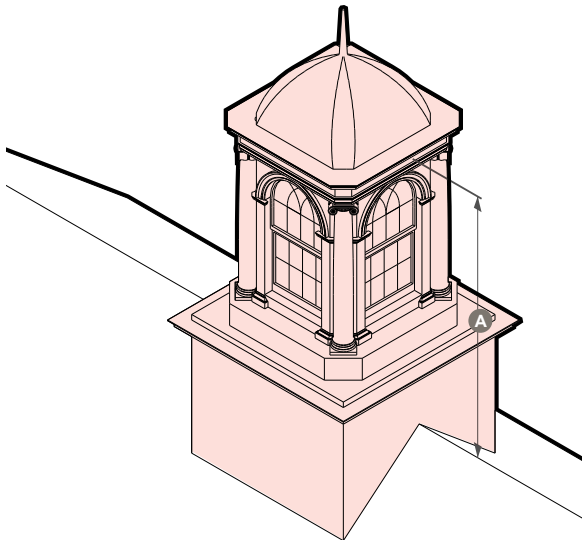
b. DIMENSIONS

Total Area	400 sq ft max	A
Setback from Building Faces	5 ft min from every building face (3)	B

c. STANDARDS

1. The width of roof decks may not exceed 50% of the building width, except on a flat roof they may extend to fill the entire roof.
2. The railing must be constructed with posts and rails with spacing such that it does not exceed 50% opacity, except when built on a flat roof.
3. Roof decks built on a flat roof may extend to the building parapet and use the parapet as a railing, provided it is of sufficient height.
4. Roof decks may only be built on the main roof of a primary, building accessory building, rear additions, side wings, connectors, galleries, and porches.
5. The highest point of a roof deck may be higher than the highest point of the roof of the primary building.

16. CUPOLA



a. DESCRIPTION

A small roof structure, possessing radial symmetry, used to provide light and ventilation to a building, or as a belfry, overlook, lantern, or additional habitable space.

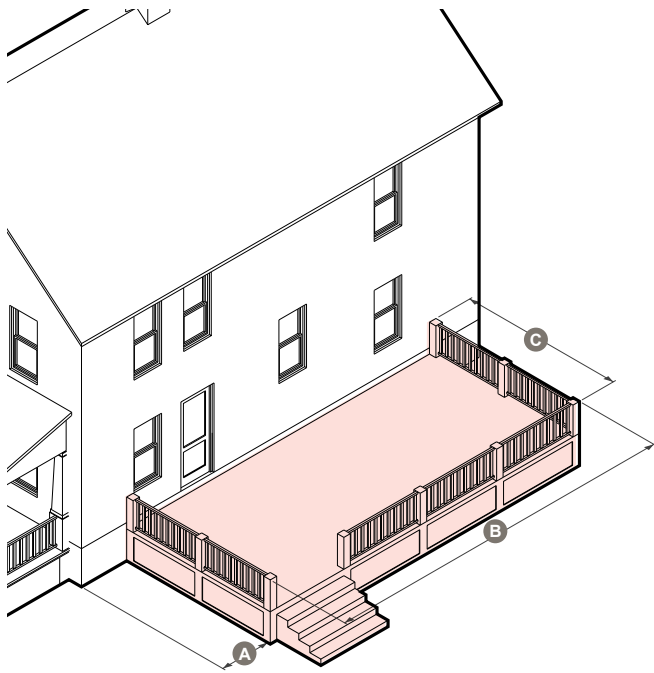
b. DIMENSIONS

Length		A
Width		B
Height	Less than or equal to the maximum upper floor height for the main building mass or accessory building to which it is attached, measured from the top of the primary ridge beam to the base of the cupola's eaves.	C
Fenestration	40% min	

c. STANDARDS

1. A cupola's maximum area must be no greater than 150 SF.
2. Cupolas may only attach to the main building mass, penthouses, roof decks, towers, porte-cocheres, and accessory buildings.
3. The highest point of a cupola may be higher than the highest point of the roof of the primary building.

17. DECK



a. DESCRIPTION

A roofless, uncovered, raised platform accessible from a secondary entrance to a building that provides outdoor amenity space.

b. DIMENSIONS

Setback from Facade	2 ft min	A
Width	8 ft min	B
Projection	6 ft min	C
Height	none	
Fenestration	none	

c. STANDARDS

1. Decks are not permitted along frontages.
2. The space between piles or piers must be enclosed with latticework or similar material, or concealed visually by evergreen landscaping, on all sides, except for decks that are elevated more than 8 ft from the ground plane.
3. Decks may not be enclosed.

Section 3.4 Planned Development

3.4.1 Planned Development Intent

The Planned Development (PD) is designed to:

1. To achieve a superior community form, through sustainable community development and innovative, flexible and alternative development designs including mixed use;
2. To promote conscientious economic development;
3. To promote quality infill development which strengthens the character of the community;
4. To protect sensitive natural areas by directing growth to environmentally appropriate areas;
5. To protect, preserve and enhance the Town's tree canopy;
6. To offer a functional and complimentary mix of land uses to encourage a variety of housing types;
7. To provide for ample, usable recreation and open space;
8. To ensure compatibility with surrounding future land use designations.

3.4.2 Height

All building heights regardless of use shall be not taller than 35 ft. Heights in excess of 35 ft. may be granted as part of the PUD ordinance with Town Commission approval (See definition of building height).

3.4.3 Lot Size and Dimension Regulations

Within all planned developments, the location, size, dimensions, and design of yards, building setbacks, points of vehicular access, parking areas, building characteristics, and all other planned site improvements shall:

- A. Be flexible in order to permit innovative land use, design and resource conservation techniques. However, applicants for planned unit development shall be required to achieve higher than normal performance measures. These measures shall be negotiated through the land use and development plan review process.
- B. Performance measures such as control of structure type, lot size, bufferyards, landscapes and other site design techniques shall be incorporated to protect established neighborhoods.
- C. No minimum lot size for residential uses shall be required within a planned unit development district as long as wastewater is available to service the development. The minimum commercial lot size shall be 10,000 sq. ft., and the minimum industrial lot size shall be one acre.
- D. Commercial and industrial building sizes shall follow the design guidelines of the Design Districts.
- E. Each dwelling unit or other permitted use shall have access to a public street either directly or indirectly via a private road or other area dedicated to public or private use guaranteeing access. The Town shall be allowed access on privately owned roads, easements and common open space.

3.4.4 Uses

All uses permitted within the zoning classifications corresponding to the underlying future land use category of the site shall be permitted. In addition, the following uses shall be permitted in the planned unit development district, if designated as part of the approved Land Use Plan:

- A. Complementary and compatible commercial and office uses on a site classified for residential on the Future Land Use Map if the uses are designed into the total residential community and are neighborhood serving establishments. Such uses shall not exceed five (5) percent of the gross land area designated for residential

use and must be clearly identified on the Land Use Plan and meet any design requirements established by the Town's Architecture Review Board.

- B. A commercial PD may allow up to 50% of the land acreage as residential uses if integrated as a mixed use development and not separated uses.
- C. Complementary and compatible commercial uses with an industrial future land use designation if properly related to the total industrial park.
- D. Any other private, public or semipublic use complementary to and compatible with, planned residential, commercial, or industrial developments (including sewer and water utility plants)
- E. Residential and office uses over first floor commercial or office uses.
- F. Live/work units.

3.4.5 Variances

Individual variances are not permitted in the Planned Development zoning district because the intent of the PD district is to allow flexibility in the planning stage of the development. This flexibility of design normally takes into account those matters which might otherwise be the subject of variance review by the Planning and Zoning Board, and any variation from conventional zoning standards has been complemented with other design features throughout the PUD. If a variance is deemed necessary through oversight, the change may be processed as an alteration to the Land Use or Development Plan as provided in this Chapter.

3.4.6 Unified Control

All properties proposed as a planned unit development shall be under complete, unified and otherwise-unencumbered control by an individual, partnership, corporation, other entity, group or agency. Unified control may be documented through a registered agent with power of attorney and/or signed contracts for purchase.

3.4.7 Density/Intensity for PD

The overall residential densities, non-residential intensities and generalized land uses shall be consistent with the future land use categories identified in the Town of Oakland Future Land Use Element. Subject to approval of a Land Use Plan that identifies the proposed location of each land use, specific land uses within the Land Use Plan may float/move within the boundary of the area, such that the overall densities, intensities and land uses shall not exceed that allocated on the underlying comprehensive policy future land use designation. These changes will not require a new Comprehensive Plan amendment, but will require approval by the Town Commission.

3.4.8 Minimum PD Size

A planned unit development shall have a minimum size of 10,000 square feet.

3.4.9 Submittal Requirements

A PD must provide both a Conceptual Plan and a Land Use Plan as part of the approval process as outlined in Article 2 Administration, Sec 2.4 Application Requirements and procedures of the Town's Land Development Code.

3.4.10 Plan Approval

The Town Commission may approve a PD only after competent, substantial evidence has been presented that allows the commission to make the following findings:

- A. The request is consistent with the comprehensive plan and the future land use map;
- B. The design and layout of all structures will enhance and preserve the Town's character and is in conformance with the Town's Gateway Corridor Overlay design standards;
- C. The proposed rezoning will not substantially devalue or prevent reasonable use and enjoyment of the adjacent properties;
- D. Adequate facilities are available or a development agreement has been established that will provide these improvements in a reasonable time frame;
- E. The proposed rezoning will not allow a type or intensity of development that is premature or presently out of character in relationship to the surrounding area;
- F. The rezoning will not significantly increase the vehicular traffic on the existing roadway network nor in adjacent residential neighborhoods without mitigating measures;
- G. The feasibility and compatibility of the individual phases or stages of development contained in the Land Use plan can exist as an independent development; and
- H. The development has incorporated existing natural features and vegetation, especially tree preservation, into the overall design of the development.

3.4.11 Best Development Practices

In an effort to preserve the character of the Town of Oakland and an effort to ensure new development; the Town hereby adopts the following "Best Development Practices" for PD developments:

- A. Developments (or clusters of small developments) over 25 acres shall provide a mix of land uses to include civic uses.
- B. Developments over 25 acres shall be developed in clusters. (or neighborhoods)
- C. PD's shall place higher density near parks and commercial areas.
- D. PD's shall time commercial, infrastructure and recreational development in phase with residential development.
- E. Residential developments shall make subdivisions into neighborhoods with well-defined centers.
- F. Residential developments and clusters of small developments shall provide for school sites or other capacity enhancement measures based upon accepted projection standards.
- G. PD's shall concentrate commercial developments and shall not locate strip commercial development along road frontages.
- H. PD's shall develop commercial centers into all-purpose activity centers
- I. All developments shall include measures to reduce auto activity when possible and provide for pedestrian friendly environments.
- J. Residential developments shall be designed to be a part of the existing community. This is accomplished by fronting homes on existing streets, providing transportation connections to existing streets, and eliminating gated and/or private communities.

3.4.12 Infrastructure

All utilities shall be supplied through underground networks unless a physical limitation exists to prevent the logical location underground. All PD's shall connect to a central wastewater sewer system that is adequate to

serve the anticipated needs of the development. Septic systems are not allowed. Lake front lots shall provide a protective berm as outlined in the Friends of Lake Apopka development guidelines

3.4.13 Natural Features

The PD shall be planned and developed harmoniously with the natural topography, soils, natural vegetation, and surface water, and utilizing careful location and design of circulation ways, buildings and structures, parking areas, recreation areas, open space, and drainage facilities. The site layout shall preserve 25% of the existing hardwood canopy trees. Lakefront developments shall provide a 50 foot upland buffer from the normal high water elevation or wetlands connected to lakes, and provide a single boat dock or marina facility (including launch ramp) in lieu of individual lot docks.

3.4.14 Compatibility

The Planned Development shall include compatibility measures to ensure that the proposed community is compatible with adjacent development. Compatibility measures may include height restrictions, buffers, setbacks, and location of uses. Residential development within the PD shall face existing development and access existing streets, wherever possible.

3.4.15 Recreation/Open Space

- A. A minimum of twenty percent (20%) of the gross acreage of any PD containing a residential component shall be provided as common open space.
- B. A minimum of five percent (5%) of the gross acreage of any PD containing a residential component shall be provided as usable, active, developed recreation. Any passive, usable recreation shall be included in the remainder of the common open space acreage.
- C. All common open space and recreational facilities shall be specifically included in the development schedule and shall be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.
- D. All common open space in a planned unit development with a residential component shall be preserved for its intended purpose as expressed in the final development plan. The developer shall choose one of the following methods of administering common open space:
 1. Public dedication to the Town of the common open space. This method is subject to formal acceptance by the Town and in its sole discretion.
 2. Establishment of an association or nonprofit corporation of all individuals or corporations owning property within the planned unit development to ensure the maintenance of all common open space.
- E. All privately owned common open space shall continue to conform to its intended use and remain as expressed in the development plan through its inclusion in all deeds with appropriate restrictions to ensure that the common open space is permanently preserved. The deed restrictions shall run with the land and shall be for the benefit of present as well as future property owners and the general public, and shall contain a prohibition against partition.
- F. Recreation areas in the form of accessible and usable land shall be provided to serve the variety of needs for age groups included in the resident populations of the project. Both active and passive recreation areas shall be provided.

1. Active recreation. Typical facilities would include playgrounds, athletic fields, various types of courts (tennis, basketball, racquetball) swimming pools, exercise trails and clubhouses.
 2. Passive recreation. Typical facilities would include picnic areas, benches, trails, dog walks, and water features.
- G. All recreation areas should be easily accessible by all residents of the community and include, where appropriate, sidewalk/bike path facilities, as well as parking areas for both autos and bicycles. Attention should be given to screening and buffering light and noise from adjacent residents.
- H. All land shown on the development plan as common open space, and recreational areas and facilities shall be subject to covenants and restrictions which ensure the payment of future taxes and the maintenance of areas and facilities for a safe, healthful and attractive living environment.
- I. Common open space shall be improved to the extent necessary to complement all uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the PUD.



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Article 4 Development Standards

Section 4.1 General Design Standards

4.1.1 Design District General Standards

The general design standards apply to all building types as specified in this section. In addition to the subdivision requirements of Orange County's Chapter 62, this Section applies to all development in the Town. The following design standards are general in nature. Specific standards for building design are located in the Town Design Manual. In case of conflicts, the Town Design Manual will override any of the design standards as provided in this section.

- A. Sidewalk Adjacency
 - 1. Buildings fronting a street must be connected by a walkway to an abutting sidewalk.
 - 2. Storefronts in Design Districts: Neighborhood Center, Town Center and Urban Corridor must meet the average grade of the adjacent sidewalk along the entire frontage, regardless of the slope.
- B. Building Orientation
 - 1. The facade of all primary and accessory buildings must be oriented parallel to the primary frontage line.
 - 2. In the case where a roadway is curvilinear, a building may take the orientation of the abutting roadway, the angle of which is determined by drawing an imaginary line between the endpoints of the two side lot lines along the frontage.
- C. Primary Entrance, Commercial or Mixed-Use Buildings Only
 - 1. At least one primary entrance must be located along the primary frontage of a primary building's main building mass.
 - 2. Bungalows, houses and duplexes may have their primary entrance on the side of a primary building's main building mass, provided the side door is located within the frontage zone.
 - 3. Primary entrances must provide both ingress and egress and be operable at all times.
 - 4. Any building longer than 60 ft must have a functioning, operable, permanently clear entry door along a first-floor facade at intervals of no greater than every 30 linear feet.
 - 5. Primary entrance spacing requirements must be met for each building individually, in that doors on adjacent buildings may not be used to meet the spacing requirement.
- D. Building Elevation
 - 1. Buildings must be elevated along their primary frontage to meet first floor elevation requirements of each primary and accessory building type.
 - 2. Buildings with less than a 10 ft front setback must have the first floor at the same grade or higher than the abutting sidewalk.
 - 3. Residential units on the first floor of any primary building must be elevated above grade a minimum of 2 ft.
 - 4. First floor elevation is measured from the average ground level along the frontage of a building to the top of the first finished floor of a building.
 - 5. Buildings with first floor commercial spaces shall be located at grade to the extent possible to provide

accessible Shopfronts.

E. Fenestration

1. The required fenestration percentages apply to the total area of the exterior of each story of the building facade as measured from the surface of the floor of that story, to the surface of the next floor above; or, if there is no floor above, to either the top of the wall plate, or the base of the buildings eaves, whichever is shorter.
2. Windows and doors shall have clear, transparent glass that has a minimum VLT of 50% as indicated by the glass manufacturer.
3. All fenestration on a building face must be square or vertical in proportion and must have center or edge alignment that is vertical and horizontal, except as follows:
 - a. Stairwell windows may be circular or take the shape of any regular polygon, other than a triangle, and may take the orientation of the roof pitch.
 - b. Storefront windows are exempt.
4. Multiple vertically proportioned windows or window lights may be combined to create horizontal compositions.
5. Shutters, if provided, must be operable.
6. Sliding doors and windows are prohibited along frontages.
7. Garage-style lifting doors are permitted on a building facade within the frontage zone as long as the doors have 50% fenestration comprised of transparent glass.
8. To the extent possible, fenestration patterns and window configurations should be used that break the direct line of sight between neighboring properties to minimize privacy impacts.

F. Storefronts

1. Shopfronts, where required, must provide doors and windows with a minimum of 70% fenestration.
2. A functioning, operable, permanently clear entrance door must be provided at intervals of no greater than every 20 linear feet along a shopfront. Single occupant buildings may decrease this standard if additional fenestration details are met as outlined in the Town Design manual.
3. Shopfronts must have doors into a unit that can be occupied by a permitted use. Residential units are not permitted along shopfront streets, though may be located in portions of a building not directly facing onto the shopfront street.
4. Buildings on corner lots that require shopfronts must extend shopfront fenestration a minimum of 12 feet along the secondary frontage.
5. Measurements:
 - a. Shopfront area is determined by the ground story height and the total width of the ground story of a building measured at the frontage.
 - b. Where a Shopfront is not required to extend across a building's entire facade, the area of the Shopfront must be determined by the ground story height and the total width of the commercial

unit.

6. The width of a commercial unit is determined by the horizontal distance between the interior walls of the unit, measured at the frontage.
- G. Building Articulation, Non-Residential and Mixed Use Buildings
1. Architectural features and small articulations within 6 horizontal inches from the surface of a building's facade are not regulated by this Ordinance.
 2. Forecourts are permitted on mixed-use buildings, apartment buildings, fabrication buildings, and civic buildings, provided they meet the following standards:
 - a. Only one building facade may have a forecourt.
 - b. Forecourts must provide access to the first floor of a building with the same frequency and fenestration requirements as the facade it is associated with. The width of a forecourt must be no greater than 1/3 of the building face to which it is associated.
 - c. The maximum depth of a forecourt must maintain a ratio of 1:1 with the height of the associated building face, measured from the surface of the forecourt to the base of the eaves or top of the parapet.
 - d. The average elevation of the floor of a forecourt must not exceed 1 ft above the abutting sidewalk.
 3. Corner buildings with first floor shopfronts may have a chamfered corner, provided the length of the resulting chamfer face is less than 12 feet and that both edges of the chamfer are equidistant from the corner.
 4. Chamfered corners must provide an entrance. This entrance may not be counted toward the primary entrance spacing requirement.
 5. Mixed-use buildings may extend the chamfer to upper stories as desired. All other building types must limit the chamfer to the first floor only.

4.1.2 Planned Unit Development General Design Standards

In addition to the subdivision requirements of Orange County's Chapter 62, all urban design amenities such as major structural improvements, signage, open space systems, pedestrian walkways, street furniture, and other movement systems in a PUD shall:

1. Present an overall design theme that reinforces principles of human scale; safe, convenient, and attractive pedestrian movement systems linking people with all activity centers, parking areas, open space amenities, and other development amenities;
2. Incorporate urban design that include, but shall not be limited to, open plazas and walkway systems; porous paving materials that are both functional and aesthetically pleasing; and street furniture having a harmonious and unified overall design, including street benches, sidewalk plantings, signage, waste disposal receptacles, and other featured amenities which promote the project's design theme and overall aesthetics; and
3. Provide for multi-modal transportation amenities, as appropriate, based on the scale and density/intensity of the proposed development. The specific design of such internal surface and structural transportation improvements shall be consistent with standards of professionally accepted principles and practices and

shall be consistent with and responsive to the needs of the vehicle types to be accommodated on the subject site.

Section 4.2 Landscape Standards

The required trees, landscaping, and irrigation shall be installed prior to the final inspection by the town. Required landscaping shall be installed according to the plans and specifications as submitted and approved by the Town of Oakland before a certificate of occupancy (CO) will be issued. Required landscaping may not be removed at any time, unless otherwise exempted by the regulations of this Section. The town may prohibit issuance of additional permits on lands where violations of this section are determined by the town to exist, until such time action is agreed to by the town and completed by the developer/owner.

To accommodate large canopy trees and to encourage preservation of dense tree cover or clumps of native vegetation, allowances may be granted by the town to allow fewer trees with greater DBH or more trees with smaller DBH provided the cumulative DBH exceeds the minimum tree requirement. Said allowances shall not be made purely for cost efficiency.

4.2.1 Residential Landscape Standards

1. All residential lots must have canopy trees and landscaping on site as follows:
 - a. 5,000 – 6500 square feet – two (2) trees, two (2) inch caliper
 - b. 6,501 – 19,500 square feet – three (3) trees, two (2) inch caliper
 - c. 19,501 – 26,000 square feet – four (4) trees, two (2) inch caliper
 - i. One tree shall be required for each additional 5,000 square feet in excess of 26,000 square feet.
 - ii. The existing on-site trees may be counted towards the minimum requirement if they are at least six (6) inches DBH and are canopy trees as listed in this chapter under Approved Plants.
 - iii. If planting trees is necessary to meet requirements, the trees must meet the specifications for canopy trees as listed in this Chapter under Acceptable Plants.
 - iv. Grass sod, or ground cover shall be placed on the entire lot.
2. For single family or duplex dwellings within a new subdivision, additional trees may be required pursuant to the replacement requirements as stated within the Arbor Permit. In such cases, the required number of replacement trees shall be divided by the number of lots approved for the subdivision.

4.2.2 Streetscape and Design District Landscape Standards

A. Landscape Standards. The following standards are for all development unless otherwise noted.

Table 4.3.2.1 Landscape Table

Public Street Frontage	Urban Corridor and Town Center: 12' minimum width (includes 8 foot minimum clear sidewalk) providing seating area, shade trees, and hardscape elements). Neighborhood Center, Traditional Neighborhood and Neighborhood General, minimum width is 10 feet, may include sidewalk, shade trees, and grass. When a sidewalk is permitted, the minimum size shall be 6 feet.
Utility Easement	Up to 10' of an area that may be within the buffer width dimension
Spacing	1 shade tree for every 30' on center of fraction thereof. Existing, established tree canopy shall be factored into this requirement and shall meet the standards set forth in Sec. 4.11 Tree Standards.
Planting Standards	Sidewalk planter- min 5 foot x 5 foot planter. Shade tree in tree grate may be installed in tree pits with a pedestrian grate and be ADA Accessibility Guidelines (ADAAG) compliant
Parking Lots	A minimum of (1) tree per (4) parking spaces. At least 50% of these trees must be shade trees. Rows of parking shall be broken every 10 spaces by a landscape break a minimum of 80 square feet in size. Rows of parking shall not be longer than 90 feet (10 spaces) without a landscape island. The landscaped parking island shall have a minimum planting area of 360 square feet if back to back, and 180 square feet if on a single row.
Pedestrian Walkways	(1) understory or shade tree per 30 linear feet of walkway. The walkway shall be at least 6 ft in width.
Rear Buffer	Only required when an Urban Corridor or Town Center parcel is adjacent to a single-family zoning district. Two shade trees per linear feet of building perimeter and provide a wall.
Wall	When adjacent/abutting residential six-foot high brick screening walls shall be required the length of the property. Where visible from any right-of-way, these walls will also have a three-foot high (within one year of planting) hedge on the side facing the right-of-way and running the length of the wall where visible. Additional standards are located in Sec. 4.6, Walls and Fences.
Open Areas	Shall be landscaped completely with shrubs, groundcovers, annuals or sod.

B. Water Retention/Detention Areas: The shape of a manmade body of water, including wet retention areas, shall be designed to appear natural by having off-sets in the edge alignment that are a minimum of ten feet and spaced 50 feet apart.

1. Natural and manmade bodies of water, which are located adjacent to a public right-of-way, and are greater than 20,000 square feet in area, shall be incorporated into the overall design of the project in at least one of the following ways:
 - a. Provide a minimum eight-foot wide walkway with trees an average of 50 feet on center and shaded benches a minimum of six-feet long (or picnic tables), every 150 linear feet;
 - b. Provide a public access pier with covered structure and seating, and appropriate pedestrian access;
or
 - c. Provide a plaza/courtyard, 200 square feet minimum, with shaded benches and/or picnic tables adjacent to the water body.

C. Stormwater Facilities. All stormwater facilities will be designed so as to not require fencing. Fenced stormwater facilities shall only be approved in extreme situations, and will be located to the side and/or rear of the property so as to be as far from the adjacent right-of-way as possible. Fences shall be non-chain link, black or forest green, decorative yet functional, and in good condition. The design of the storm water facilities must be consistent with St. Johns River Water Management Design Specifications.

4.2.3 Plant and Tree Species Requirements

Fifty percent of the total number of trees and 25 percent of individual plants, trees and shrubs shall be selected from the appropriate category of the list of approved species below.

A. Native plants

1. The following plants are suggested and were selected from the viewpoint of hardiness, disease and pest resistance, availability, and size variance. It is not the intent to limit acceptable species, except as set forth herein under nuisance trees, but rather to provide adequate guidelines in the selection of native plants. Additional native species can be found in the Association of Florida Native Nurseries Plant and Service Locator and the Florida Friendly Landscape. Trees other than those listed below must be approved by the town.

a. Preferred native trees:

Common Name	Scientific Name	Mature Height	Shade
American elm, White elm	<i>Ulmus americana</i>	40+	shade
American holly	<i>Ilex opaca</i>	40+	shade
Basswood	<i>Tilia americana</i>	40+	shade
Cherry laurel	<i>Prunus caroliniana</i>	40+	shade
Dahoon	<i>Ilex cassine</i>	<40	
East Palatka holly	<i>Ilex attenuata</i>	<40	shade
Florida elm	<i>Ulmus florida</i>	40+	shade
Flowering dogwood	<i>Cornus florida</i>	<40	
Fringe tree	<i>Chionanthus virginicus</i>	<25	
Hackberry	<i>Celtis laevigata</i>	<40	shade
Laurel oak	<i>Quercus larifolia</i>	40+	shade
Live oak	<i>Quercus virginiana</i>	40+	shade
Loblolly bay	<i>Gordonia lasianthus</i>	40+	
Long leaf pine	<i>Pinus palustris</i>	40+	
Red bay	<i>Persea borbonia</i>	<40	shade
Redbud	<i>Cercis canadensis</i>	<40	shade
Red maple	<i>Acer rubrum</i>	40+	
Sand live oak	<i>Quercus geminata</i>	<40	shade

Scrub hickory	<i>Carya floridana</i>	<25	
Slash pine	<i>Pinus illiottii</i>	40+	
Southern magnolia	<i>Magnolia grandiflora</i>	40+	
Southern red cedar	<i>Juniperus silicicola</i>	40+	shade
Spanish oak/Shumard	<i>Quercus shumardii</i>	40+	shade
Sweet bay	<i>Magnolia virginiana</i>	<40	shade
Sweet gum	<i>Liquidambar styracifua</i>	40+	
Sycamore	<i>Plantanus occidentalis</i>	40+	shade
Tulip tree	<i>Liriodendron tulipifera</i>	40+	shade
Wax myrtle	<i>Myrica cerifera</i>	<25	
Water oak	<i>Quercus nigra</i>	40+	shade
Winged elm, Cork elm	<i>Ulmus alata</i>	40+	shade
Yaupon	<i>Ilex vomitoria</i>	<25	

b. Additional trees but not necessarily native:

Scientific Name	Common Name	Mature Height	Shade
	<i>Lagerstroemia indica</i>	<25	
Crepe myrtle			
	<i>Ulmus sempervirens</i>	<40	shade
Drake elm			
	<i>Salix babylonica</i>	<40	shade
Weeping willow			

c. Palm species:

All types of palm trees may be used; however, they will not be counted towards the number of required trees.

d. The following are designated as shrubs:

Common Name	Scientific Name
Acacia sweet	<i>Acacia spp.</i>
Beauty berry	<i>Callicarpa americana</i>
Blueberry	<i>Vaccinium darowii</i>
Blackberry	<i>Rubrus spp.</i>
Carolina aster	<i>Aster caroliniana</i>
Carolina holly	<i>Ilex ambigua</i>

Coral bean	<i>Erythrina herbacea</i>
Christmas berry	<i>Lygium carolinanum</i>
Coontie	<i>Zamia pumila</i>
Dangleberry	<i>Gayluassia frondosa</i>
Dune Sunflower	<i>Helianthus debilis</i>
Dwarf huckleberry	<i>Gaylussia dumosa</i>
Firebush	<i>Hamelia patens</i>
Florida anise	<i>Illicium floridana</i>
Florida evergreen blueberry	<i>Vaccinium myrsinites</i>
Florida privet	<i>Foestiera segregata</i>
Gallberry	<i>Ilex glabra</i>
Honeysuckle azalea	<i>Rhododendron canescens</i>
Ironweed	<i>Vermonia gigantea</i>
Lencothoe	<i>Agarista popalifolia</i>
Marlberry	<i>Ardisia escallanoides</i>
Needle palm	<i>Rhapidophyllum hystrix</i>
Passion flower	<i>Passiflora incarnata</i>
Palmetto dwarf	<i>Sabal minor</i>
Red chokeberry	<i>Aronia arbutifolia</i>
Saw palmetto	<i>Serenoa repens</i>
Scrub palmetto	<i>Sabal etonia</i>
Scrub pawpaw	<i>Asimina ovovata</i>
Shiny lyonia	<i>Lyonia lucida</i>
Simpson Stopper	<i>Myrcianthes simponii</i>
Snowberry	<i>Chiococca spp.</i>
Staggerbush	<i>Lyonia fruticosa</i>
Star anise	<i>Illicium paryiflorum</i>
Strawberry bush	<i>Euonymus americanus</i>

Swamp azalea	<i>Rhododendron viscosum</i>
Tar flower	<i>Befaria racemosa</i>
Tough bumelia	<i>Bumelia tenax</i>
Walters viburnum	<i>Viburnum ovovatum</i>
Wild coffee	<i>Psychotria nervosa</i>
Winged sumac	<i>Rhus copallina</i>
Yaupon Holly	<i>Ilex vomitoria</i>

e. The following are designated vines:

Common Name	Scientific Name
Coral honeysuckle	<i>Lonicera sempervirens</i>
Marine ivy	<i>Cissus incisa</i>
Morning glory	<i>Ipomoea stolonifera</i>
Sarsaparilla vine	<i>Smilax pumila</i>
Trumpet vine	<i>Campsis radicans</i>
Virginia creeper	<i>Parthenocissus quinquefolia</i>
Yellow jessamine	<i>Gelsemium sempervirens</i>

B. Nuisance plants

1. The following species of plants are discouraged from being planted and are unacceptable for meeting any landscaping/tree requirements:

Common Name	Scientific Name
Australian pine	<i>Casuarine species</i>
Brazilian pepper	<i>Schinus terebinthifolius</i>
Cajeput or punk tree	<i>Melaluca leucadendra</i>
Cama eucalyptus	<i>Eucalyptus camaldulensis</i>
Chinaberry	<i>Melia azedarch</i>
Chinese tallow	<i>Sapium sebiferum</i>
Ear tree	<i>Enterlobium cyclacarpuml contortisiliquum</i>
Eucalyptus robusta	<i>Eucalyptus spp.</i>
Jacaranda	<i>Jacaranda acutifolia</i>

Monkey puzzle	<i>Auracaria wrightii</i>
Silk oak	<i>Grevillea robusta</i>

In areas of existing exotic tree/plant species such as but not limited to Brazilian pepper, Australian pine, and chinaberry as provided by the nuisance plants list, removal is encouraged.

Section 4.3 Circulation Standards

4.3.1 General Circulation Standards

1. Vehicular Access: All individual developments will integrate shared access and access points among adjoining parcels. Cross-access between adjacent parcels shall be required to minimize congestion on public streets and decrease the number of potential traffic conflicts. To protect the health, safety, and welfare of motorists traveling this roadway, not all parcels will be granted a curb-cut. It will be determined by the Town Transportation Engineer if said curb-cuts are absolutely necessary, or if access can be obtained from an alternative location. The Town retains the right to limit access to state and county rights of way, regardless of any access otherwise granted by the State of Florida or Orange County. Master-planned access for properties fronting on Highway 50 may be required. A vehicle stacking area as determined by the Town Transportation Engineer may be required on principal driveways leading out of the project, based on the principal use and traffic characteristics. The Town will also evaluate the design for pedestrian crossways and determine if additional traffic calming designs such as raised walkways will be required.
2. Circulation plan: For proposed development that is less than three acres in size, a circulation plan shall be submitted which identifies potential cross-and joint-access to adjacent parcels. Pedestrian accommodations and alternative transportation modes shall be reflected in the submitted circulation plan.
3. Block plan: When a proposed development is three acres or greater, a block plan shall be required as part of the proposed development which requires the proposed development to construct a block assembly as part of the development. Specific block dimensions are provided by design district, Sub sections 3.3.4-3.3.8. An applicant must submit the block length, block perimeter and the street type that will be constructed for the development. Streets shall be designed to allow for adjacent parcels to connect to existing streets as follows:
 - a. Circulation standards for new streets.
 - i. Streets are intended for use by vehicular and pedestrian traffic and to provide access to lots and open spaces.
 - ii. Circulation standards shall generally consist of vehicular lanes, parking, bicycle lanes, landscape, sidewalks, and outdoor seating.
 - iii. Pedestrian comfort shall be a primary consideration of the street. Design conflict between vehicular and pedestrian movement generally shall be decided in favor of the pedestrian.
 - iv. New streets criteria shall be met as outlined the Town's Mobility

Master Plan.

- b. Block Perimeter and Block Size. The street network shall be designed around a series of blocks. Block perimeters are provided, by design district. In order to create a system of land subdivision and development which links one area to another, land should be organized by development blocks to the maximum extent feasible given the topography and physical characteristics of each individual site. A block perimeter shall be measured as the sum of lot frontages.
 - c. All Streets shall terminate at other streets, in order to form a network. Internal streets shall connect wherever possible to those on adjacent sites. Cul-de-sacs shall be subject to approval to accommodate specific site conditions only. Existing streets may be reviewed for on street parking opportunities, as identified in the Town's Mobility Master Plan.
 - d. Each lot shall front a street, pedestrian passage, or civic space.
4. Pedestrian Walkways. Pedestrian ways, linkages, and paths shall be provided from the building entry(s) to surrounding streets, external sidewalks, and outparcels. Pedestrian ways shall be designed to provide access between parking areas and the building entrance in a safe and coordinated manner. Pedestrian ways may be incorporated within a required landscape buffer, provided said buffer is not less than ten (10) feet wide on average. Shared pedestrian walkways are encouraged between commercial parcels with the following design requirements:
- a. Pedestrian ways located adjacent to rights-of-way will be serpentine in and will be a minimum of eight (8) feet wide. All other pedestrian ways will be a minimum of six (6) feet wide.
 - b. Materials used will be concrete, colored concrete, specialty pavers, or stamped pattern concrete. Where pedestrian crosswalks are needed at the building perimeter, said walks will be identified with signage and/or variations in pavement materials, raised crosswalks or markings.
 - c. Brick or other specialty pavers meeting the approval of the Appearance Review Board, shall be provided at all right-of-way crosswalks and be a minimum of eight (8) feet from the intersection of the pedestrian path and the right-of-way.
 - d. Each parcel shall provide a seating area for pedestrians along the portion of the pedestrian path which fronts their tract. A bench and trash receptacle shall be located on said area.
 - e. Site Furnishings: A minimum of (2) benches and (1) trash receptacle will be provided per parcel, or per 400 linear feet of frontage, whichever is greater. For parcels with frontage on two(2) public roads, this section

shall apply to both frontages. Where benches are located adjacent to a right-of-way, all benches will be positioned so as to face that right-of-way. Additionally, each developed parcel shall provide (1) bicycle rack per 400 feet of frontage, or fraction thereof. All benches, bike racks, and trash receptacles will be antique in design and have all metal surfaces painted black or forest green.

4.3.2 Planned Development Transportation Network and Access Standards

An applicant must provide a master planned transportation network, identifying major streets, pedestrian and bicycle facilities, and mass transit facilities. Designed as a Traditional Neighborhood Development (TND), the project may include alley access to residential units. Minimum design requirements for the pedestrian/bicycle facilities, the roads and the alleys will be defined on the Planned Unit Development.

1. The existing roadway network shall be incorporated into the PUD transportation network. The existing Town grid system shall be maintained and utilized to its full extent to maintain connectivity. Commercial PUD's shall provide for vehicular cross access between parcels or lots.
2. Provide safe and convenient internal vehicular circulation, including access and sufficient area for effective delivery of emergency services such as fire protection;
3. Be designed to facilitate safe access to and egress from the front and the rear of all buildings;
4. Incorporate convenient, well-landscaped, and designed pedestrian ways and open space systems
5. Projects may be required to do a Traffic Study, depending on the average daily trips. The traffic study will be a minor or major study. The parameters for each study are located in the Town's impact study method and procedures document. In general, an applicant may be required to submit a study, the types of traffic studies are:
 - a. Minor Traffic Study for developments generating more than 50 and less than or equal to 750 net new average daily trips will be required to submit a Minor Traffic Study, or
 - b. Major Traffic Study shall be required for all developments generating more than seven hundred fifty (750) net new average daily trips.

Section 4.4 Signs

4.4.1 Purpose, Scope and Conflict

- A. Purpose and intent. The following regulations and requirements shall control the location and use of signs within the incorporated areas of the Town of Oakland. It is the intent of this Section to promote the public health, safety, and welfare and to -maintain, enhance and improve the appearance of agriculture, residential, professional office and commercial areas in the Town of Oakland. The following provisions will improve traffic safety and control the number, location, size and type of signs while still permitting reasonable identification .and advertising by professional office and commercial establishments and agricultural operations. It is hereby understood that it is the right of the business community to both identify and advertise its existence.

- B. Scope. This Section includes provisions for on-site signs placed on land or on a building for identification or for advertising a use conducted thereon or therein and shall be deemed to be accessory and incidental to the subject land, building or use. The control and regulation of the display of outdoor advertising not related to the site on which the sign is located is deemed to be necessary to protect the character and development of the Town.
- C. Conflict. Provisions for signage contained herein shall supersede regulations contained elsewhere only when the requirements stated here are of a more restrictive nature. Nothing contained herein shall provide relief from regulations provided elsewhere in this or other ordinances.

This Section shall not relate to building design nor shall it regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; flags of any nation, government or non-profit organization; gravestones; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

4.4.2 General Provisions

It shall be unlawful for any person to erect, place or maintain a sign unless it complies with the provisions of this Section.

- A. Permitted signs. Signs will be permitted in all zoning districts subject to the provisions of this Section. On-site signs other than real estate signs, construction signs and off-premise directional signs shall only be erected upon improved property. Outdoor advertising signs are permitted in the C-1 commercial zoning district only. Signs shall be permitted in the Planned Unit Development District applying the criteria contained in these regulations, and those specified in the Planned Unit Development regulations.
- B. Exempted Signs. The following signs may be erected without a building permit subject, however, to all other requirements of this Section. Signs larger than those designated below shall require a building permit:
 - 1. Identification signs at the entrance drive of residences, estates or ranches bearing only street numbers, mailbox numbers and/or names of the occupants of the premises.
 - 2. Signs erected or required by governmental agencies.
 - 3. Official traffic signs.
 - 4. Governmental flags subject to being properly displayed from permanently freestanding or wall-mounted flagpoles or in a manner acceptable for the display of the national ensign (refer to U.S. Flag Code, Public Law 34.36, USC Sections 171 through 178).
 - 5. Product dispensers and point of sale purchase displays.
 - 6. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights intended for advertising purposes.
 - 7. Non-illuminated bulletin boards for public, charitable or religious organizations located on the same premises as the institution and not exceeding thirty-two (32) square feet in size with a single face.

8. Nonilluminated signs identifying home occupations indicating the name, address and business of an occupant in the dwelling, and not exceeding 12" x 18" in area and mounted flat against the main wall of the building.
 9. Warning, non-advertising signs or symbols (e.g. "no trespassing", or "no dumping" signs) located on and pertaining to a parcel of property. Such signs shall not exceed four (4) square feet in area and shall be nonilluminated.
 10. Changing the copy, including the changing of interchangeable letters, of a sign, bulletin board, poster board, marquee, etc., or maintaining or repainting same where no structural and/or electrical changes are made.
 11. Temporary, nonilluminated, real estate signs advertising the sale, lease or rental of the premises on which the sign is located, up to six (6) square feet in size. Such signs may be altered to indicate the sale of the premises.
 12. Signs which are integrated into or on coin-operated and other vending machines, gasoline pumps or telephone booths.
 13. Address signs restricted to not more than one (1) for each principal building or use on a parcel of land.
 14. Christmas or holiday displays and window displays of merchandise which are changed on a regular basis, except as specifically prohibited herein.
 15. Special instruction signs, including signs which identify "Restrooms", "No Smoking", "Sale", "Shoes and Shirts Required", "No Food or Beverage", "Open or Closed", and "Hours of Business", with a total surface area not to exceed ten (10) square feet on any parcel of land.
 16. Signs erected entirely within the premises of a business establishment and not designed to be viewed from the public right-of-way.
 17. Temporary political campaign signs subject to the requirements of this Section as herein described.
 18. Temporary directional signs for subdivisions subject to the requirements of this Section as herein described.
- C. Prohibited signs. The following types of signs are prohibited in all districts:
1. Any sign placed on public property, including rights-of-way, unless authorized by the Town Commission.
 2. Except as provided in herein, flags, banners, streamers, balloons, pennants, and wind-operated devices used for advertising purposes.
 3. Any sign which obstructs a fire escape or window, door or opening used as a means of ingress or egress or which prevents free passage across a roof. No sign shall be attached in any manner to a fire escape nor shall any sign be placed in a manner that will interfere with any opening required for ventilation.

4. Signs which simulate emergency vehicles, traffic control signals or devices, or which simulate directional, informational, and warning signs erected by government or governmental agencies, or by any railroad, public utility or similar agency.
 5. Any advertisement which uses a series of two (2) or more signs placed in a line parallel to the highway or in a similar fashion, carrying a single advertising message, part of which is contained on each sign.
 6. Snipe signs.
 7. Flashing lights, beacon lights, strobe lights, rotating beacons, chasing lights or zip lights, or any other type of sign using intermittent lights. Automatic changing signs containing illuminated changeable copy shall be excluded from this prohibition.
 8. Freestanding signs (e.g., A-frame and menu boards).
 9. Any portable sign, except as provided herein.
 10. Rotating roof signs.
 11. Roof-top billboards.
 12. Any sign which the Town of Oakland determines to obstruct visibility at intersections and/or public or private driveways, according to the Manual of Uniform Minimum Standards for Design Construction and Maintenance for Streets and Highways, State of Florida, as amended.
- D. Permits required. No person shall erect, alter or relocate any sign subject to these regulations, including both temporary and permanent signs, without a building permit. No permit shall be issued until the requirements of this Section are met.

Every application for a building permit shall be accompanied by a dimensioned plot plan indicating the location of, size and the copy area of the proposed sign and all existing signs relative to property lines, rights-of-way, streets and sidewalks. A drawing of the proposed sign shall be submitted with the permit application, indicating the type, size and source of illumination, if any, of the proposed sign. The address of the property on which the sign is to be located, the name and address of the sign owner and the property owner or his agent shall also be provided by the applicant.

No new sign permits will be issued for a site that exceeds the maximum allowable copy area computed in accordance with the formula provided herein. Existing signs will either have to be reduced in size, modified or removed to allow additional signage.

- E. Maintenance. All parts and supports of any sign shall be maintained in proper repair, treated and/or painted so as to be safe, prevent rust, and to maintain their appearance. If required by the Building Official, defective parts shall be replaced or repaired within 30 days.
- F. Lighting. Unless otherwise prohibited, all signs may be illuminated; however, no sign may use:
1. An exposed incandescent lamp with an external reflector, without a sunscreen or comparable diffusion.

2. Any exposed incandescent lamp in excess of sixty (60) watts unless a screen is attached or unless the sign is placed over thirty-five (35) feet above the ground, or unless the sign's illumination shall be directed in a manner that avoids undue glare and direct illumination or reflection on abutting properties. The intensity or brightness of the light shall not adversely affect the safe vision of operators of vehicles moving on public or private roads, highways or parking areas.
 3. Public service information signs and other electronic message centers classified as changeable copy signs are not subject to this wattage rating per lamp restriction.
- G. Changeable copy. Unless otherwise prohibited, any sign allowed may use manual or automatic changeable copy.
- H. Compliance with other regulations. All signs shall be erected, altered and maintained in accordance with the provisions of this Section and shall be designed and installed in compliance with all applicable codes, regulations and ordinances.

4.4.3 Design Criteria

The movement today for most cities is to reduce the number, size, and height of signs in an effort to eliminate visual clutter and maintain roadway aesthetics. An excessive display of signage can be a nuisance, a traffic hazard, and confusing. Excessive signage is unaesthetic and detracts from development without regard for landscaping or architecture. The following sign standards shall be required to have a sign permit and the requirements for signage are as follows.

A. Maximum Copy Area

1. Within the Design Districts, a total sign area of 1.5 square feet shall be allowed for each linear foot of building frontage along the primary business site building frontage. Primary business site building frontage is defined as a primary entrance established per business site. If the building has frontage on more than one street, additional sign area shall be allowed, based on one square foot of sign area for each linear foot of building frontage along the secondary street(s) frontage of the building site.

B. Placement

1. The size of a sign shall be in proportion to the size of their location; and shall not be greater than the allowable square footage as indicated in the Maximum Copy Area (Sec 4.4.3.A).
2. Repetitious signage information on the same building frontage shall be avoided
3. To minimize irreversible damage to masonry, when possible, mounting and supports shall be inserted into mortar joints and not into the face of the masonry. This technique does not damage the surface and allows for easy removal.
4. Signs on the upper façade of multistory buildings may be permitted for ground floor tenants.
5. Upper story window signs shall not be permitted.

C. Design & Materials

1. Exterior materials, finishes, and colors shall complement those of the building or structures on site.

2. Signs shall be professionally constructed using only high- quality materials including: metal, stone, hard wood, brass-plated, and exposed neon.
3. Internally lit plastic letters and plastic box signs are discouraged.
4. The colors and lettering styles shall compliment the building façade and harmonize with neighboring businesses.
5. Exposed neon tubing may be used in conjunction with other types of materials to artistically emphasize the business name and/or logo.

D. Sign Message

1. Primary signs (those containing the most square footage) shall only contain only the name of the business and/or its logo. Secondary text identifies products and shall be located in a secondary location.
2. Modifications to logos and corporate identifiers may be required to fit attractively in the space provided.
3. Sign typeface shall be selected to provide both legibility and artistic integrity.

E. Sign Lighting

1. Back-lit, halo-lit illumination, or reverse channel letters with halo illumination are highly encouraged for lighting purposes. Such signs convey a subtle and attractive appearance and are very legible under moderate ambient lighting conditions.
2. Signs that use blinking or flashing lights shall not be permitted.
3. Single faced illuminated signs shall not be permitted.
4. Visible raceways and transformers shall be prohibited. Sign installation details shall clearly indicate the location of the transformer and other mechanical equipment.
5. Projecting light fixtures used for externally illuminated signs shall be simple and unobtrusive in appearance. They shall not obscure the graphics of the sign.
6. The Appearance review board has the authority to make any revisions to illumination and lighting fixtures as consistent with the Town Design Manual.
7. White is the only light color permitted for illuminating a sign, excluding neon.

F. Permitted Signage in all Design Districts

1. Window Signs: In no case shall more than 30% of the window area of a building be covered with window signage, stickers, banners marquis, or similar advertising devices.
 - a. Maximum total sign area. In no case shall the sum of total wall sign square footage exceed two square feet per one linear foot of building frontage on any one parcel.
 - b. Message. Neither the sign nor its pans shall move, rotate or use flashing lights.

- c. Illumination. Sign lights shall be focused direct, and so arranged as to prevent glare or direct illumination or traffic hazard from said lights onto the abutting roadways or residential districts. No flashing or pulsating lights shall be permitted on any sign.

2. Projecting Signs. Shall be affixed to the face of a building or structure and project in a perpendicular manner no more than 12 inches from the wall surface to which it is mounted. Projecting signs shall be carefully designed to reflect the character of each building and business as well as fitting comfortably with other adjacent signage.



- a. Projecting signs shall appear on the upper facade of multi-story buildings advertising ground floor tenants.
- b. The design of the sign shall consider visually interesting elements such as square or rectangular shapes painted, two or three dimensional symbols or icons, irregular outlines, and/or internal cut-outs

c. Projecting signs shall provide a vertical clearance of 9 feet along pedestrian areas.

d. Projecting signs shall be oriented to pedestrians passing on the sidewalk in front of the buildings or the under arcade rather than to automobiles or pedestrians on the far side of the street.

e. Mounting hardware and brackets shall be an attractive and integral part of the sign design. Added decorative hardware elements are generally appropriate for these signs. However, metal brackets of a more decorative and complex shape are encouraged to add to the character of the building.

3. Wall Signs. are signs mounted flush and fixed securely to a building wall, projecting no more than 12 inches from the face of a building wall, and not extending sideways beyond the building face or above the highest line of the building to which it is attached.



a. Wall signs shall be located on the upper portion of the storefront, within or just above the enframed storefront opening. The length of the sign shall not exceed the width of the enframed storefront.

b. Wall signs shall be mounted in locations that respect the design of a building, including the arrangement of bays and openings.

c. Wall signs shall be oriented toward automobiles or pedestrians on the far side of the street.

d. Signs shall not obscure windows and ornamental features. Wall signs should be centered on horizontal surfaces (i.e., over a storefront opening).

e. Wall signs shall be designed to be compatible with the storefront in scale, proportions, and color.

- f. Wall signs are to be designed with a clearly defined edge, provide dimensional shadow relief, and a substantial appearance. This effect is generally difficult to achieve in a non-dimensional sign. For this reason, non-dimensional signs are discouraged.
4. Hanging Signs are similar to Projecting Signs except that they are suspended under a canopy or attached to a ceiling. Hanging signs are generally smaller than Projecting Signs due to their lower mounting height.
- Hanging signs shall be used only at ground floor locations.
 - The design of the sign shall consider visually interesting elements such as square or rectangular shapes painted, two or three dimensional symbols or icons, irregular outlines, and/or internal cut-outs
 - Hanging signs shall be small in scale and provide a vertical clearance of 9 feet along pedestrian areas.
 - Hanging signs shall be oriented to pedestrians passing on the sidewalk in front of the buildings rather than to automobiles or pedestrians on the far side of the street.
 - Hanging signs are to be designed with a clearly defined edge, provide dimensional shadow relief, and a substantial appearance. This effect is generally difficult to achieve in a non-dimensional sign. For this reason, non-dimensional signs are discouraged.
 - Mounting hardware and brackets shall be an attractive and integral part of the sign design. Added decorative hardware elements are generally appropriate for these signs. However, metal brackets of a more decorative and complex shape are encouraged to add to the character of the building.
5. Awning & Canopy Signs are signs that are printed on, painted on, or attached to an awning or canopy above a business door or window. They generally serve to bring color to the shopping environment and are oriented toward pedestrians from the opposite side of the street.
- Sign lettering and/or logo shall comprise no more than 30% of the total exterior surface of an awning or canopy.
 - Awnings and canopies must be permanently attached to buildings.
 - The minimum height of awnings shall be 9 feet from the lowest point to the sidewalk.
 - Awnings and canopies shall be mounted on the horizontal framing element separating the storefront window from the transom (a crosspiece separating a doorway from a window).
 - Awnings shall be designed to project over individual window and door openings and not project as a single continuous feature extending over masonry piers or arches.
 - Awnings with backlit graphics or other kinds of interior illumination shall not be permitted.
 - Matte finish canvas, glass, or metal are appropriate materials for awnings or canopies.
 - The Appearance review Board may prohibit color choice to protect aesthetic integrity of the building and the Town that is consistent with the Town Design Manual.



- G. Prohibited signs. Off premise signs, portable signs, pole signs, temporary signs, bench signs, or any signs which are affixed to an object for the purpose of advertising goods or services whose location and description are not well delineated in the most current approved site plan for that parcel.
- H. Flags. Flags are permitted as follows: a maximum of one state, one federal and one local county flag per parcel each a maximum of (35) square feet.
 - 1. Colors schemes that advertise: Where color schemes are used that commonly identify the business on site, said areas shall be considered signage, and shall be included in the calculation of sign area. The fact that certain colors are "corporate" or "signature" colors shall not be grounds for waiver from this provision.

I. Ground Mount Signage:

In addition to the permitted signage for all design districts, Urban Corridor, Town Center and Single-family subdivisions may include ground signs if they meet the following requirements.

- 1. Ground signs:
 - a. Only one ground sign shall be allowed per developed parcel. All ground signs shall include street number(s) of location.
 - b. All signs will be wide-based monument style. Pylon signs may be permitted when the pylon is effectively screened from view with landscaping or berm features
 - c. Any external above ground light source shall be located and hidden within a planter bed. Light sources located outside planter beds shall be burial fixtures.
 - d. The maximum height of the entire sign shall be 8 feet above the elevation of the nearest sidewalk.
 - e. The setback for all monument signs shall be a minimum of five feet from the right-of-way. Spacing shall be one hundred (100) feet or greater for all signs.
 - f. The maximum allowable ground sign area for individual structures shall not exceed 48 square feet along Highway 50, and 32 square feet along all other roadways.
- 2. Shopping centers (urban corridor only): Shopping centers may be permitted signage under this section. However, the following criteria are to be considered standards for maximum signage. All shopping center signage shall be reviewed by the Town as to final size, location and coordination, colors, design, and materials as a part of the site plan approval process.
 - a. Monument Signs:
 - (1) Centers under 75,000 square feet: Shopping center identification signage of 32 square feet or less. Two major tenant signs of 12 square feet or less, each.
 - (2) Centers of 75,000 square feet or larger: Shopping center identification sign of 48 square feet or less. Three major tenant signs of 12 square feet or less, each.
 - (3) Maximum height shall be 12 feet, setbacks from side lot lines shall be 50 feet, or equidistant.

- b. Wall signs for individual tenants within shopping centers:
 - (1) Maximum sign area shall be determined by multiplying 80 percent of the tenant front feet by two (2) feet. In the case of corner stores, additional signage may be allowed only where the same or similar façade treatment is used on both front and side. Sign area is not transferable between facades.
 - (2) Maximum sign height for business having 50 front feet or less shall be two feet. For anchor tenants with specialized architectural treatments that identify them as such, maximum height shall not exceed 25 percent of the building height.

- J. Non-conforming signs: Any sign having original cost in excess of \$100 and which is non-conforming as to permitted sign area or any other reason may be maintained a period of from three to five years from the installation date, or the most recent renovation date. The term of years to be determined by the cost of the sign or of renovation, including cost, shall be as follows:

Sign Cost or Renovation Cost:	
\$ 101.00 to \$1,000.00	3 years
\$1,001 to \$3,000.00	4 years
\$3,001.00 and above	5 years

 - a. Any owner of a sign who desires to rely upon an amortization period of longer than three years shall file with the Planning and Zoning Board, within one year from the effective date of this Ordinance, a statement setting forth the cost and the date of most recent renovation, and a written agreement to remove the non-conforming sign at or prior to the expiration of the amortization period for that sign.
 - b. Any non-conforming sign with a value of less than \$100 shall be removed immediately.

Section 4.5 Utility Lines and Devices

All new or relocated utility lines within a designated corridor shall be constructed and install beneath the surface of the ground unless it is determined by the Planning and Zoning Board that soil, topography, or any other compelling conditions make the installation of utility lines as prescribed herein unreasonable or impracticable.

- A. It shall be the developer's responsibility to make the necessary arrangements with each utility in accordance with the utility's established policy.
- B. The underground installation of incidental appurtenances such as transformer boxes, switch boxes, pedestal mounted boxes for the provision of electricity shall not be required. However, such appurtenances where not rendered impractical by the determination of the Planning and Zoning Board shall be installed on the site of any development approved after the adoption of this section. The necessary easements to allow the utility company access and service to such appurtenances shall be dedicated by the developer prior to issuance of a building permit.
- C. All transformers, switch boxes, and utility devices related to development approved after the adoption of this Ordinance shall be set back a minimum of ten feet from the right-of-way and shall be screened appropriately so

as not to be seen from any public right-of-way using landscape materials or construction in conformance with this chapter.

- D. Nothing in this section shall be construed to prohibit any entity furnishing utility service within the town from collecting, as a condition precedent to the installation of service facilities, any fee, repayment, or contribution in aid of construction which may be required.

Section 4.6 Walls and Fences

A. General Standards for all walls and fences.

1. Permit Required: Gates, walls and fences shall require a building permit.
2. Public Safety:
 - a. Visibility: No building permit shall be issued for any fence or wall that would obstruct traffic visibility. On corner lots, fences and walls may not obstruct traffic visibility within 30 feet of intersecting street rights-of-way.
 - b. Police/fire/rescue: Fences or walls shall not be placed within areas required by applicable fire and life safety codes to be clear and unobstructed for access to fire hydrants or water meters and valves, passage of emergency vehicles or for the ingress and egress of people.
 - c. Emergency Vehicle Access: Residential subdivision and non-residential entryway gates and other restricted access gates must be equipped with an emergency vehicle access system or other approved alternative system.
 - d. Permit Required. All access systems require a building permit from the Town of Oakland and shall be inspected and approved by the Oakland Chief of Police, and Orange County Fire Rescue before such gates may be closed.
 - e. Master entry device. Electrically operated entryway gates must provide a key pad device which police, fire and rescue personnel, building inspectors, code enforcement officers, and environmental protection workers and, if served by Town utilities or public works, town utility and public works employees may gain access to the residential subdivision or business. No more than one vehicle access control device or system through which emergency vehicles must pass to reach any address shall be permitted. The access code, and changes to the access code, shall be provided to the Oakland Chief of Police, Orange County Fire Rescue, and Town Manager. The access code must be provided before the entryway gate may be closed.
 - f. Gate design standards.
 - (1) Electrically operated gates shall be designed to default to the "open position" in the event of a power failure. Gates shall remain open until such time as power is restored. Swinging gates for single-direction traffic shall open toward (i.e., swing into) the property being entered. After passing through a gate, the nearest curb of any cross street shall be no closer than 40 feet from said gate. No gate shall be installed where access requires the use of a proximity reader or card, unless a turn-out is provided for its use.

- (2) The access opening for single direction traffic shall be unobstructed to the following dimensions: 16 feet wide and 13.5 feet high. Access openings for bi-directional traffic shall be unobstructed to the following dimensions: 24 feet wide and 13.5 feet high. Direction limiting devices, such as fixed tire spikes, are prohibited.
 - (3) Manually operated gates: Manually operated gates shall provide a mutually agreeable method of access with police and fire public safety officials. Access openings and pull through distance shall be provided as required for electrically operated gates. If a “crash” gate is used, it shall be replaced at the owner’s cost as well as any damage sustained by emergency vehicles responding to the location.
 - (4) Maintenance and compliance. After initial approval is obtained, the emergency vehicle access system may be inspected, from time to time, to ensure that said gates and emergency vehicle access systems are acceptable and in good working order. Maintenance of the emergency vehicle access system and the compliance with the requirements of this section is the responsibility of the property owner or association, violation of which may result in removal of the gates at the cost of the HOA, code enforcement action and a lien on property owners or on each of the lots within the residential subdivision.
 - (5) Gate hours. The gates may be closed during daytime and nighttime hours provided the provisions of this section are fully complied with by the property owner or HOA.
- g. Non-conforming fences and walls: All walls or fences erected prior to July 11, 2006, with or without a permit, not meeting the requirements of this section shall be considered a legally, existing non-conforming fence or wall. General maintenance and repair may be made to these structures up to 35% of any side of the property perimeter. Any repair involving greater than 35% of an individual side fence length will require bringing the entire length into conformance.

4.6.1 Non-Residential Wall and Fence Design Requirements

A. General standards for walls and fences

1. All freestanding walls, sound barriers, ground sign enclosures, and the like fronting along the designated roadway or its major intersections shall be of brick. When a brick wall is used for a visual screen, the wall shall conform to the architectural style and the materials of the surrounding properties. Alternative materials and screens may be considered, if said alternatives are entirely in keeping with the spirit of this Ordinance, and such alternatives shall be reviewed by the Town’s Appearance Review Board.
2. Fences visible from any right-of-way or private drive shall be decorative, yet functional, painted black or forest green, and shall be subject to the approval of the Town’s Appearance Review Board. Such fences shall be accompanied by a 3 foot high (within one year of planting) hedge surrounding the fence. Chain-link fences are prohibited in commercially zoned corridor areas. Chain link maybe considered in industrial areas when screened appropriately with berms and landscaping – subject to approval. Barbed wire fences are prohibited in all areas except industrial areas where said fencing is not viewable from the right-of-way.
3. Height: No fence or wall shall exceed six (6) feet in height within the required side and rear setbacks. Fences and walls shall not exceed four (4) feet in height within the required front and street side yard setbacks. A

request for heights to six feet in these yards may be requested from the Town Planner. Pillars, posts and entry features may be 8 foot in height.

4. Materials and Design

- a. Orientation: Construction of fences shall always place the finished side out toward adjacent properties or streets.

5. Permitted

- a. Barb wire: Within industrially zoned properties, no more than three strands of barbed wire within eighteen inches may be used at the top of a fence or wall. The strands must be located at least six feet above grade and projecting interior to the property and must not encroach beyond the property line. Within commercially zoned properties approval must be granted by the Town Planner. Barb wire for lawfully existing agricultural uses with livestock may utilize barbed wire.
- b. Wood (pressure treated or rot resistant)
- c. Ornamental metal such as wrought iron or aluminum
- d. Chain link (Vinyl coated): The top surface of any chain-link or cyclone fence shall be crimped or installed to eliminate the exposure of sharp edges. Insert slats are prohibited. Landscaping must be installed to cover or hide the fence if used forward of the front building line.
- e. Plastic such as vinyl
- f. Stone
- g. Masonry: All walls or supports constructed with concrete block or poured concrete shall be appropriately finished, covered in stucco, brick or other material and painted as appropriate, unless made with split face block or other decorative facing. Walls shall be finished similarly on both sides unless approved by the Town Planner. All masonry walls shall have a finished top or cap block.

6. Prohibited

- a. Electric
- b. Slats in chain link

4.6.2 Residential Fences and Walls Design Requirements

Fences and walls within residential zoning and/or design districts shall be constructed in accordance with the following criteria:

A. Height:

- 1. Front yards: All fences or walls erected within the front yard setback or forward of the front building line shall be limited to 4 feet in height.
- 2. Side and rear yards: All fences or walls erected within side or rear yard setbacks shall be limited to 6 feet in height.

3. Street side yards
 - a. Corner lots: Fences and walls forward of the front building line shall be 4 feet in height and may be constructed on the property line. Alternatively, a fence or wall may be six feet in height, but must be setback 5 feet from the property line and be landscaped with hedge or vine materials.
 - b. Reverse corner lots: Where the street side yard of a lot adjoins the front yard of an adjacent lot, the fence or wall shall be 4 feet in height forward of the front building line.
 - c. Through lots: Walls or fences on the secondary lot frontage shall be 4 feet in height. A six ft. fence or wall may be permitted if setback 5 feet from the property line and landscaped with hedge or vine material.
 4. Pillars, Posts and Entry Features: Pillars and posts may extend up to twelve (12) inches above the height limitations provided such pillars and posts are ten (10) feet apart or more. An entry feature, such as a walkway gate or arbor may extend to 8 feet in height regardless of location and cannot be more than 5 feet wide.
 5. Subdivision Walls, Gates and Entry Features: Subdivision walls may not be higher than 6 feet with gates and entry features extending to 8 feet in height. Waivers to this standard may be granted through the site plan review process. Existing, non-conforming subdivision walls, gates and entry features previously approved through Town review are exempt from this Code and may re-build to the previous approved height.
 6. Water bodies/Wetlands: Fences or walls adjoining water bodies or wetlands must be setback five (5) feet from the ordinary high-water elevation (OHWE) or conservation line of such water body/wetland as determined by Orange County or the St. Johns River Water Management District. Fences or walls along the OHWE (rear lot line) may not exceed 4 feet in height.
- B. Orientation: Construction of fences shall always place the finished side out toward adjacent properties or streets.
- C. Materials and Design
1. Permitted: Fences or walls may be constructed of the following materials:
 - a. Wood (pressure treated or rot resistant)
 - b. Ornamental metals, such as wrought iron or aluminum
 - c. Chain link (Vinyl coated, black or dark green in color, all pieces): The top surface of any chain-link or cyclone fence shall be crimped or installed to eliminate the exposure of sharp edges. Insert slats are prohibited. Landscaping must be installed to cover or hide the fence if used forward of the front building line.
 - d. Plastic, such as vinyl
 - e. Masonry. All walls or supports constructed with concrete block or poured concrete shall be appropriately finished, covered in stucco, brick or other material and painted as appropriate, unless made with split face block or other decorative facing. Walls shall be finished similarly on both sides unless approved by the Town Planner. All masonry walls shall have a finished top or cap block.
 2. Prohibited: No barbed wire, razor wire or electrically charged fence shall be erected in any location on any building site in residential or office districts except for security of public utilities, provided such use is limited to three (3) strands and eighteen (18) inches, a minimum of six (6) feet above the ground. In no event shall

barbed wire or razor wire be placed so as to project outward over any sidewalk, street or other public way, or over property of an adjacent owner. Slats inserted into chain-link fences shall not be used.

Section 4.7 Parking of Commercial and Recreational Vehicles

All commercial parking and loading areas shall be designed and located so as to ensure visually appealing projects and to protect adjacent residentially zoned, used, or designated properties from any adverse impacts and noise.

- A. Overnight parking of commercial vehicles, tractor trailers, boats, recreational vehicles, campers, or motor homes shall be prohibited except in areas designated and designed for that purpose and approved by the Town.
- B. No commercial or personal vehicle with signage placed thereon shall be parked in a manner along a public street to be visible as an advertising device.

Section 4.8 Screening of Mechanical Units

Mechanical equipment and appurtenances such as air conditioner units, ventilation equipment, refrigeration systems, heating units, back-flow preventers, and satellite dishes must be screened so that they are not visible from any public right-of-way. The screen shall consist of a solid wall, façade, parapet or other similar screening material which is architecturally compatible and consistent with the associated building. If landscaping is utilized, the plantings must be high enough within one year of planting to provide a screen with a minimum of 75% opacity.

Section 4.9 Storage/Service Areas

All service areas shall be designed and located to be unobtrusive and architecturally integrated into the building's overall design.

- A. Service, delivery, and dumpster areas must be located to minimize visibility from adjacent streets and adjacent properties. These areas shall be located at the rear or side of the building away from the right-of-way and be fully screened. Fence gates enclosing dumpster access points shall be opaque, not of wood construction, and shall be in good visual and structural condition.
- B. No outside display of products or vehicles of any kind, exclusive of the following, shall be permitted unless located in a fully screened enclosure.
- C. No outside freestanding vending machines, video games, newspaper boxes, propane stations, electric rides, or similar devices shall be permitted unless fully screened from view from the adjacent roads and parking areas.
- D. No outside work areas shall be permitted unless fully screened from view.
- E. No outside shopping cart corrals shall be permitted adjoining a building or within parking areas unless screened with walls and landscaping, or other screening materials deemed appropriate by the Town Planner.

Section 4.10 External Site Lighting

All lighting shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire project. Lighting shall be used to accent key architectural elements and/or to emphasize landscape features, and shall be designed and installed to avoid the creation of hot spots, glare or a nuisance.

A. General Lighting Standards

Light fixtures shall be designed as an integral design element that complements the design of the project through style, material or color. All light poles and fixtures shall be black, dark green or some similarly dark color that is consistent with the architectural design scheme of the property. Lighting of on-site buildings shall be limited to wall-washer type fixtures or up-lights, which do not produce spillover lighting or glare. Site lighting shall not incorporate floodlight fixtures mounted on building walls, roofs, or poles.

B. Lighting Plan and Standards

To provide cohesiveness and uniformity, a lighting plan prepared by an architect or engineer licensed to practice in the state of Florida shall be submitted to the Town as part of an application for site plan approval, and said professional shall: (1) certify that the lighting plans are compliant with the requirements of the design standards and regulations provided for herein; or (2) so certify to the extent said lighting plans are compliant with the requirements of the design standards and regulations provided for herein and provide a written explanation for any deviations. (3) provide a photometric plan prepared by an engineer licensed and/or architect to practice in the State of Florida.

The following level(s) of permitted foot-candles are required for all development, excluding single-family residential parcels:

Location	Illumination level foot candle (f.c) maximums
All the lighting level(s) at the property line when adjacent to commercial/industrial uses	1 f.c.
All lighting level(s), at the property line, when adjacent to residential	0.5 f.c
Canopied Area (service stations, convenience centers, lighting under awnings, porte-cocheres, etc)	20 f.c.
Automatic Teller Machines (ATMs)	10 f.c. within 5 feet or 2 f.c. within 50 feet
Dealership (first aisle adjacent to the street)	24 f.c.
Dealership (remaining aisles)	10 f.c.

C. Design Features of Lighting:

1. Height. A light fixture (the pole and light source/luminary) shall be a maximum of thirty feet (30') in height within any parking lot, and a maximum of sixteen feet (16') in height within any non-vehicular pedestrian area (with height being measured from the finished grade to the top of the light fixture).
2. At service stations and convenience centers, lighting under awnings, canopies, porte-cocheres, etcetera, should be recessed. If not recessed, the box type or other lighting fixture shall be opaque on all sides (no light shall emanate from any side of the fixture).

3. To keep light rays and glare from encroaching onto adjacent properties, illumination shall be installed with house-side shields and reflectors, and shall be maintained in such a manner as to confine light rays to the premises.

D. Technical Deviations.

1. Any proposal which includes technical deviations from these lighting standards shall demonstrate the unique aesthetic and/or engineering design that meets or is within the spirit of these regulations. Such presentation shall include appropriate calculations and drawings or illustrations as necessary to explain the request or as may be required by the Town.
2. The Administrative official shall make a determination whether to accept such proposed technical deviation after consulting with a mutually acceptable licensed professional engineer. The cost of making such determination shall be borne by the party requesting the technical deviation.

Section 4.11 Tree Standards

The terms and provisions in this section shall apply to all real property, public and private, lying within the municipal boundaries of the Town of Oakland.

- A. The purposes of this Section are to promote the public health, safety and general welfare by encouraging the protection of existing trees; to promote the preservation and replacement of existing trees; and to discourage the indiscriminate removal of trees, thereby expressing the Town's intent to use trees to create a more natural and amiable human environment. This Section grants the Town the authority to regulate and control the planting, maintenance, and removal of trees in the street rights-of-way and other public properties of the Town, and provides for the pruning and removal of trees or shrubs on public and private property which endanger the public safety.

4.11.1 Maintenance of Trees in the Right-of-way

A. Maintenance

1. It shall be the duty of the owner of each lot, tract, or parcel of land within the town to regulate and control excessive growth and accumulation of grass, weeds, groundcover, undergrowth, or other dead or living plant life on the property and on the portion of the adjoining right-of-way between the property and the street.
2. Every owner of every tree overhanging any street right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and to that shall be a clear space of eight feet (8') above the surface of the road or sidewalk. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a hazard to the safety of the public.
3. It shall be the duty of any established association (e.g., homeowners' association or management group) within the town, to regulate and control excessive growth and accumulation of grass, weeds, groundcover, undergrowth, or other dead or living plant life on the portion of the adjoining right-of-way between the property and the street at the following locations:

- a. Right-of-way adjacent to a development perimeter which is separated from the property by a development wall or fence
 - b. Medians, common areas, and retention areas located within the legally described development area of the association
4. Determination by the town that an adjacent right-of-way is improperly maintained shall constitute a nuisance.

4.11.2 Tree Spacing and Standards along Rights-of-Way

- A. Distance from edge of pavement/curb, sidewalk, street corner. No trees may be planted closer to any edge of pavement, curblines, or sidewalk than the following:
 - a. No street trees shall be planted closer than 20 feet of any street corner, measured from the point of nearest intersecting curbs, curblines, or intersecting edge of pavement.
- B. Spacing. No trees may be planted closer together than the following:
 - a. Understory trees or palms with normal growth to 15 to 25 feet in height at full growth shall be spaced a minimum of 25 feet and a maximum of 35 feet.
 - b. Trees or palms with normal growth to 25 to 40 feet in height at full growth shall be spaced a minimum of 30 feet and a maximum of 45 feet.
 - c. Town may authorize clustering of trees where appropriate.
- C. Site distance for landscaping adjacent to public rights-of-way and points of access
 - a. When an accessway or driveway intersects a public right-of-way or when the subject property abuts the intersection of two or more public rights-of-way, all landscaping within the triangular areas described below shall provide unobstructed cross-visibility at a level between 30 inches and eight feet. The property owner shall be responsible for maintaining all landscaping within the cross-visibility triangle. The triangular areas referred to above are as follows:
 - i. The areas of property on both sides of an accessway formed by the intersection of each side of the accessway and the public right-of-way line with two sides of each triangle being 15 feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides.
 - ii. The area of property located at a corner formed by the intersection of two or more public rights-of-way or private streets with two sides of the triangle area being 35 feet in length along the abutting public right-of-way or private street lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two sides.

4.11.3 Tree Placement and Utilities

- A. Aboveground utilities. New tree plantings near power lines or other aboveground utility lines shall conform to the following restrictions:

1. Understory trees or palms with normal growth to 15 to 25 feet in height at full growth shall have a minimum setback of four feet.
 2. Trees or palms with normal growth to 25 to 40 feet in height at full growth shall have a minimum setback of six feet.
 3. Large trees with normal growth to 40 or more feet in height at full growth shall have a minimum setback of ten feet.
- B. Town utilities; including water lines, fire hydrants, drainage swales and ditches.
1. No trees or palms, except those with a normal growth to less than 25 feet in height at full growth, may be planted within five linear feet of the centerline of any water line.
 2. No tree shall be planted closer than 10 feet of any fire hydrant. No tree shall be planted within drainage swales or ditches.

4.11.4 Diseased or Pestilence Trees

- A. Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth or health of trees, or threatens to spread disease or insect infestation, the town shall have the authority to cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated, and the notice shall require such property owner to eradicate, remove or otherwise control such condition within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Town shall have the authority to remove such trees and charge the cost of removal to the owner.
- B. The town has the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance and order its removal if necessary.

4.11.5 Tree Removal, Pruning and Land Clearing.

Permits for land clearing or removal, relocation, alteration, or replacement of trees covered herein shall be obtained by making application to the town. All applications shall be accompanied by such permit fee as determined by Town Commission. Each application shall include a written statement indicating the reasons for the requested action. It is the responsibility of the applicant to include sufficient information for the town to evaluate the request.

- A. Tree removal
1. Statutory Exemptions. Florida statutes specifically prevents local governments from permitting the pruning, trimming or removal of trees on residential property provided the owner obtains documentation that the tree presents a danger to persons or property. Documentation must be from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect. Examples include but are not limited to trees that are too close to the residential building or trees that prevent septic tanks from operating properly.
 2. Removal or alteration of a specimen tree is prohibited, unless one of the following conditions exist and is approved by the Town:
 - a. Tree is located in a buildable area, yard area, or street right-of-way where a structure or improvement

is to be placed and for which an arbor permit application has been filed, and it unreasonably restricts the permitted use of the property. Also see statutory exemptions above.

- b. Tree is diseased, injured, or in danger of falling too close to existing or proposed structures so as to endanger such structures, interferes with utility services, or creates unsafe vision clearance or affects the safety, health, and welfare of the public.
 - c. Tree is of a species that is listed as a nuisance plant under this code.
3. All trees that are removed or destroyed shall be relocated or replaced in accordance with tree replacement section of this code. Note that this provision is exempted for residential property because Florida Statutes prohibits local government from requiring such tree replacement.
- B. Tree trimming or pruning: Note that this provision is exempted for residential property because Florida Statutes prohibits local government from requiring such tree replacement.
- 1. Pruning of trees at a level of at least three (3) feet above the ground and limbs less than four inches in diameter will not be considered an alteration for which a permit will be required.
 - 2. Any person, company, partnership, corporation, or service that administers tree maintenance practices within the town shall adhere to the National Arborist Association Standards which are hereby adopted by reference into this code.
 - 3. All protected trees within the town, other than those delineated as nuisance trees, shall be trimmed in accordance with the provisions of the National Arborist Association Standards.
- C. Tree Topping. It shall be unlawful as a normal practice for any person, firm, or Town department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy or disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this ordinance at the determination of the Town Tree Board.
- D. Land clearing and development plans
- 1. No arbor permit for land clearing shall be issued until a site or subdivision plan has been approved by the town. Removal or alteration of any protected trees during land clearing operations shall require specific approval on an arbor permit.
 - a. In the case of development requiring site plan or subdivision approval, the Town Planner will provide a recommendation to Town Commission. Approval of the site or subdivision plan shall constitute approval to issue the arbor permit.
 - b. An accurate, signed and sealed tree survey shall be required for any nonresidential or multiple family development or residential subdivision. The applicant shall provide the following information as part of the tree survey:
 - i. Property boundaries.
 - ii. Location of all individual trees, other than non-preferred trees, which are six inches DBH or

greater, including DBH of each tree, and scientific name.

- iii. Complete inventory of trees to be removed that are six inches DBH or greater.
 - iv. Estimated DBH of trees less than six inches DBH and percentage of those trees to be removed
 - v. Plans on how those remaining trees shall be protected and type of barriers to be used.
 - vi. Proposed changes, if any, in site elevation grades and major contours of the land will be required on landscape plans. Care will be taken not to change original grade around those protected or remaining trees.
 - vii. All trees dead, diseased, or dying and for which restoration to sound condition is not practical or in instances when a disease exists that is expected to be transmitted to other trees, or to endanger the tree's health or to the public as determined by the town can be excluded from the tree survey.
 - viii. A replacement plan indicating the means of compensating for the loss of any tree(s) to be removed and the species and size of any protected tree.
2. In determining required relocation or replacement of trees, the town shall consider the needs of the intended use of the property along with an evaluation of the following efforts made by the applicant:
- a. Preservation of existing trees and native vegetation to maintain the character of the existing tree cover in the neighborhood based upon the number, type, size, and distribution of trees. Efforts shall be made to save trees; especially specimen trees, rather than meet coverage requirements by new plantings.
 - b. Maintaining the natural soil level and drainage systems for preserved trees to prevent disturbance to the root system.
 - c. Trees to be preserved shall be healthy, structurally sound and free from diseases or infestation by insects, and shall not pose any imminent hazard to persons or property improvements.
 - d. To design and locate buildings, signs, or any other structures so that they do not necessitate removal or substantial alteration of trees.
 - e. Preserve trees and native vegetation as visual and noise buffers within all setbacks and along perimeters of single-family subdivisions.

E. Shoreline protection- See Article III, Section 78, Town of Oakland, Code of Ordinances.

4.11.6 Protection of Trees during Construction

The town shall review each application, and may inspect each site, to determine the appropriate protected area to assure the health and survival of protected trees that are not to be removed. The protected area shall be established based upon consideration of the species, age, size, condition of the tree, soil condition, topography, and means of protecting the roots and trunk of a protected tree both during and after construction. The following provisions shall be applied within the protected area:

- A. Fencing of undisturbed area or protected trees.

1. Wooden posts at least four-by-four (4x4) inch shall be installed into the ground with at least four (4) feet visible above the ground. Posts shall not be placed more than six (6) feet apart and shall be linked together by two rows of two-by-four (2x4) inch wooden boards wooden boards spaced not farther than two and one half (2.5) feet apart.
2. Trees to be protected shall be located within a protected area which shall conform to the following standards:

	6-12 Inch DBH	12 Inch DBH or Greater
Setback from Trunk	6 feet	10 feet

- B. To ensure the health and survival of protected trees that are not to be removed, the developer shall avoid the kinds of tree injuries during all development activities:
 1. Mechanical injuries to roots, trunk and branches;
 2. Injuries by chemical poisoning;
 3. Injuries by grade changes
 4. Injuries by excavation
 5. Injuries by paving
- C. At a minimum, the protective measures described below shall be taken where appropriate to the development activity. The measures shall be planned and undertaken in consultation with the Town and shall not be construed as limiting the authority of the Town Planner to impose additional reasonable requirements as may be necessary to preserve the health of the protected trees in particular circumstances.
- D. Avoiding Injuries Due to Mechanical Injuries
 1. Prior to any land preparation or other development activities a protective barrier easily visible to equipment operators shall be placed around all protected trees so as to encompass the entire tree protection zone.
 2. No attachment, wires (other than support wires), signs or permits shall be fastened to any protected tree.
 3. No equipment, construction materials, or debris of any kind shall be placed within the protective barrier.
 4. Landscaping activities within the bounds of the protective barrier (before and after it is removed) shall be accomplished with light machinery or manual labor. Grubbing and similar activities are prohibited.
 5. In lieu of constructing barriers required above, the developer may physically designate large areas containing protected trees where no land preparation or other development activities of any kind will occur. The area shall be designated by placing stakes a maximum of twenty-five feet apart an tying ribbon, plastic tape, rope, etc. from stake to stake along the outside perimeter of the area. This perimeter line shall be beyond the tree protection zone of any protected trees growing within the area.
 6. Required protective barriers and perimeter lines shall remain in place until all construction activity, except landscaping, within the protected area, is terminated.
- E. Avoiding Injuries due to Chemical Poisoning
 1. No fuel, paint, solvent, oil, thinner, asphalt, cement, grout, or any other construction chemical or other material or tools of any kind shall be stored, or allowed in any manner to enter, within a required protective barrier or perimeter line.
 2. No equipment shall be cleaned within a required protective barrier or perimeter line.
- F. Avoiding Injuries Due to Grade Changes

Grade changes shall not be made within the tree protection zone unless the following protective measures are taken:

1. When raising the grade, the following measures shall be taken:
 - a. Within the tree protection zone, existing sod/vegetation and leaf litter shall be removed and the soil loosened without injuring the roots.
 - b. The area within the tree protection zone shall be properly fertilized to improve the vigor and growth of the roots.
 - c. Porous, four (4) inch agriculture drain tiles shall be laid over the soil to drain the liquids away from the trunk. A drop of at least one eighth (1/8) inch per foot shall be provided. The drain field shall be designed to provide adequate drainage of the existing configuration of the trees.
 - d. The number of drains shall depend upon soil material: lighter sandy soils and porous gravelly material require fewer drains than the heavy non-porous soils.
 - e. Aeration shall be provided by installing vertical tiles along the system. The vertical tiles shall be filled with gravel and capped with a heavy-duty mesh to keep out trash and debris.
 - f. Dry wells shall be large enough to allow for maximum growth of the tree trunk. Most large shade trees require at least a sixty (60) inch diameter well. For slow growing mature trees, a space of twelve to eighteen (12-18) inches shall be provided between the trunk and the side of the well at every point.
 - g. To prevent washing of material into the well, the dry well casing walls shall be high enough to bring the coping just above the level of the proposed fill.
 - h. Dry well walls shall be constructed of materials that permit passage of air and water. Concrete blocks backed with galvanized screening may be used for the sides of the well.
 - i. Grating or barriers shall be used around openings that are large enough to present a hazard to pedestrians.
 - j. Open wells shall be cleaned regularly to remove sediment, leaves, and debris that might interfere with the free passage of air.
 - k. Large stones shall be placed over the drainage tiles and a layer of smaller stones shall be placed over the remainder of the ground within the drip line.
 - l. A layer of gravel shall be placed over the stones.
 - m. The fill shall be completed with a layer of porous soil.
2. When lowering the grade, the following measures shall be taken:
 - a. Roots shall be cut cleanly and re-trimmed after excavation.
 - b. The canopy shall be pruned to aid in maintaining tree vigor.
 - c. When lowering the grade of the soil surrounding a protected tree, the maximum number of tree roots within the tree protection zone shall be preserved by using any of the following methods:
 - i. Terracing. The area within the tree protection zone is left at the original grade by terracing.
 - ii. Retaining Wall. The area within the tree protection zone is left at the original grade by constructing a dry retaining wall. The retaining wall shall be porous to allow for aeration.
 - iii. Terracing and retaining wall. The area within the tree protection zone if left at the original grade by the combined use of terracing and dry retaining wall.
3. Minor Changes in Grade

When the change in the grade is minor, as determined by the Town Planner, lesser protective measures than those described above may be taken. The Town Planner shall approve the use of these methods where their use will not endanger the health of the protected tree.

G. Avoiding Injuries Due to Excavations

1. Water, sewer, and other utility lines should be routed around the tree protection zone of the protected trees
2. If a line cannot reasonably be routed around the tree protection zone, the line shall be tunneled beneath the area within the zone. The tunnel shall be offset to one side of the trunk to prevent damage to the main top roots; the line shall be offset to one side of the trunk to prevent damage to the main top roots.

H. Avoiding Injury by Paving within the Drip Line.

Porous paving may be placed within the tree protection zone of a protected tree, so long as no damage is inflicted to the tree by grade change, compaction of the soil, or any other cause.

4.11.7 Tree Replacement Standards for Non-Residential Development.

A. *General.* All trees that are removed or destroyed shall be replaced by a species of trees approved by the town. The cost of replacing trees shall be incurred by the applicant/developer. The specifications regulating the replacement of trees are cited below. These requirements may be waived by the town for replacement of trees impacted by death, disease, natural acts including but not limited to fire, storm, lightning, and other injuries not related to development.

1. Characteristics of replacement trees. The replacement trees shall have at least equal shade potential, screening properties, and other characteristics comparable to that of the trees removed.
 2. Quantity of replacement trees. Replacement trees shall be required according to a standard of one-inch DBH total replacement for each one inch DBH removed. Any number of trees may be utilized to meet the inch-for-inch requirement provided acceptable spacings and design are maintained.
 - a. The number of required replacement trees, or a portion thereof, may be waived by the town if the town determines that the remaining number of trees preserved on site are of sufficient number and quality to substantially comply with the purpose and intent of this section.
 - b. The maximum tree stock the town may require on a particular property shall be 30 inches DBH plus five (5) inches DBH per 1,000 square feet of developed area over 5,000 square feet, for replacement of specimen trees.
 - c. The maximum tree stock the town may require on a particular property shall be 20 inches DBH plus three (3) inches DBH per 1,000 square feet of developed area over 6,000 square feet, for land clearing and replacement of protected trees other than specimen trees.
 3. Minimum standard for replacement trees.
 - a. The minimum size of a replacement tree shall have a caliper of four (4) inches with a minimum planted height of eight (15) feet and shall be Florida Department of Agriculture nursery grade standard (quality) of No. 1 or better.
- B. Tree Fund alternative. In the event that the replacement trees cannot be installed on subject property, a contribution shall be made to the Town of Oakland equivalent to the value of the replacement trees.
- C. Relocation. Trees which are relocated on site must be maintained in a healthy manner or, in case of death, replacement will be required as provided in this Section.

4.12.8 Tree Replacement Standards for Residential Lots and Subdivisions.

A. *General.* All trees that are removed or destroyed shall be replaced by a species of trees approved by the town. The cost of replacing trees shall be incurred by the applicant/developer. The specifications regulating the replacement of trees are cited below. These requirements may be waived by the town for replacement of trees impacted by death, disease, acts of God (e.g., fire, storm, lightning), and other injuries not related to development.

1. Characteristics of replacement trees. The replacement trees shall have at least equal shade potential, screening properties, and other characteristics comparable to that of the trees removed.
2. Quantity of replacement trees. Replacement trees shall be required according to a standard of one inch DBH total replacement for each one inch DBH removed. Any number of trees may be utilized to meet the inch-for-inch requirement provided acceptable spacings and design are maintained.

- a. Replacement trees for each developed fee simple single-family or duplex lot shall be required only when the tree removal will result in the lot containing less than four (4) trees, each with a minimum of four (4) inch DBH.
- b. The removal of trees on undeveloped residential property that does not meet the criteria for tree removal, shall require tree replacement in accordance with this Section. A minimum of 3 trees with a caliper of 2 inches shall be provided per lot; however, the caliper may be increased for all three trees to accommodate replacement trees or street trees shall be provided adjacent to the right-of way, meeting all requirements of this Section.
- c. The number of required replacement trees, or a portion thereof, may be waived by the town if the town determines that the remaining number of trees preserved on site are of sufficient number and quality to substantially comply with the purpose and intent of this section.
- d. The maximum tree stock the town may require on a particular property shall be 30 inches DBH plus five (5) inches DBH per 1,000 square feet of developed area over 5,000 square feet, for replacement of specimen trees.
- e. The maximum tree stock the town may require on a particular property shall be 20 inches DBH plus three (3) inches DBH per 1,000 square feet of developed area over 6,000 square feet, for land clearing and replacement of protected trees other than specimen trees.

3. Minimum standard for replacement trees. The minimum size of a replacement tree shall have a caliper of two (2) inches and shall be Florida Department of Agriculture nursery grade standard (quality) of No. 1 or better.

B. Relocation.

Trees which are relocated on the site must be maintained in a healthy manner or, in case of death, replacement will be required as provided in this section.

Section 4.12 Off-Street Parking and Loading Regulations

4.12.1 Off-Street Parking Standards.

Off-street parking spaces shall be provided for any use hereafter established or at the time of the erection of any main building or principal structure or at the time any main building, principal structure or occupational use is enlarged or increased in capacity. On-street parking spaces may be used to meet the parking requirements. The following table provides the required parking spaces. If an applicant proposes additional spaces that exceed these requirements, the Town Manager or designee may require a parking study for review and determination of additional spaces required. Unless there is a marked difference in hours of operation, any building(s) that will accommodate more than one use type shall calculate parking based on each use.

Amusement or assembly places containing fixed seats	1 space for each 3 fixed seats provided for patron use, plus 1 space per employee.
Amusement or assembly places without fixed seats (go-cart tracks, miniature golf courses, driving ranges and other similar outdoor uses)	1 space for each 3 patrons, plus 1 space for each employee
Clubs, lodges, fraternities	1 space for each bedroom, plus 1 space for each 5 members.
Day-care centers and kindergartens	1 space for each 10 children, plus a pick-up and drop-off area equal to 1 space for each 10 children.
Apartment of 3 dwelling units or more (efficiencies and 1 bedroom units)	1 and 1/2 spaces for each dwelling unit.
Apartments of 3 dwelling units or more (2 and 3 bedroom units)	2 spaces for each dwelling unit.
Dormitories, rooming houses and boarding houses	1 space for each 2 bedrooms.
Dwelling units (single family and duplex units)	2 spaces for each dwelling unit.
Hospitals, sanitariums, rest and convalescent homes, foster group homes, all similar institutions	2 spaces for each bedroom and office building criteria must be met when provided.
Hotels, motels, tourist courts	1 space for each 1 and 1/2 rooms, plus 1 space for each 100 square feet of office space, plus restaurant and retail sales criteria must be met when provided.
Industrial uses, manufacturing and warehousing	1 space for each bay, plus 1 space for each 100 square feet of floor space.
Kennels and veterinary clinics	1 space for each 300 square feet of office space, animal shelter area and run areas.
Medical and dental offices and optical clinics	1 space for each employee, plus 1 spaces for each examination room.
Mini-warehouses up to 200 units	4 spaces located at office/entrance area, plus minimum 30 feet between storage buildings for driveway parking purposes

Mini-warehouses over 200 units	6 spaces located at office/entrance area, plus minimum 30 feet between storage buildings for driveway parking purposes.
Mortuaries	1 space for each 4 seats in chapel, plus 1 space for each commercial vehicle.
Office buildings, including business, commercial and government	1 space for each 200 square feet of floor area used for office purposes.
General business establishments, such as hardware, furniture, appliance, jewelry, apparel stores, etc.	1 space for each 300 square feet of gross floor area
Post offices	1 space for each 4 employees, plus 1 space per government vehicle, plus 4 spaces per service window.
Residential dwelling units, single family and duplex units	2 spaces for each dwelling unit.
Restaurants, grills, bars, lounges, similar dining and/or drinking establishments	1 space for each 4 fixed seats provided for patron use, plus 1 space for each 75 square feet of floor area provided for patron use which does not contain fixed seats; provided that no use shall have less than 4 spaces.
Personal service establishments, retail establishments, banks, financing and lending institutions	1 space for each 100 square feet of first floor area, plus 1 space for each 200 square feet of floor area above the first floor, excluding all inside storage areas, 2 spaces for any lobby.
Schools, both public and private, including elementary, middle, high schools and academies (not including colleges, universities, or similar institutions)	1 space for each 4 seats in assembly hall or, if no assembly hall, 4 spaces per each instructional room, plus 1 space for each 3 high school students.
Shopping centers	5 spaces for each 1,000 square feet of gross floor area.
Universities, colleges and similar institutions	1 space for each 200 square feet of classroom area and office space.

Other uses not specifically noted above shall meet the off-street parking requirements of the use listed above which is most similar or compatible.

4.12.2 Handicapped Parking Requirements.

Handicapped parking spaces and wheelchair access ramps will be required according to state and federal regulations, including Section 316.1956, F.S., and the Americans with Disabilities Act of 1990, P.L.101-336.

4.12.3 Location of Off-Street Parking.

The parking space required herein shall be provided on the same lot where the principal use is located or within 600 feet from the principal use's entrance as measured along the most direct pedestrian route.

4.12.4 Reduction for Mixed Use Projects or Joint Use of Off-Street Parking Spaces.

No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this ordinance shall be included as part of an off-street parking area similarly required for another building or use,

except in the case where the parking demands of different uses occur at different times of the day or week. Either of the following requirements must be satisfied and approved by the Town Planner in order to comply with this exception:

1. Conduct an analysis of the parking demands generated by the various land use categories and their daily, weekly or seasonal variations using accepted industry standards such as those in Parking Generation published by the Urban Land Institute, or
2. Provide and maintain a written agreement executed by all affected business owners proposing to share parking facilities with said agreement complying with the following provisions:
 - a. A notarized statement from all property owners involved indicating that the activities of each separate building or use which creates a demand for parking shall occur at different times. Such statement must include an agreement between the parties involved indicating responsibility for maintenance of the shared parking area.
 - b. Such agreement shall run with the duration of the occupational licenses of all buildings or uses involved in the agreement and shall be required to be renewed at the time of occupational license renewal. Where an occupational license is not required, then the agreement shall run with the duration of the uses.

Nothing in these regulations shall be construed to prevent the joint use of off-street parking spaces by two or more buildings or uses if the total number of such parking spaces provided is not less than the sum of the minimum requirements for the various individual uses of buildings when computed separately.

4.12.5 Rideshare and Valet Areas

A designated area for rideshare and valet may permit a reduction of required parking spaces provided the development has a loading and unloading parking space for such services. The vehicular movements within the parking area will be reviewed and approved by the Town engineer prior to approving a reduction of parking spaces.

4.12.6 Off-Street Parking Lot Requirements.

1. All parking areas shall have durable all-weather surfaces for vehicle use areas, shall be properly drained and shall be designed with regard to pedestrian safety. For purposes of this Section, a durable all-weather surface shall consist of an improved surface, including concrete, asphalt, stone and other permanent surfaces, but not including gravel, wood chips, mulch or other materials subject to decay. Churches and residential conversions to professional offices may be exempt from this requirement subject to written approval by the Town's Consulting Engineer with the concurrence of the Town Planner.
2. Each off-street parking space shall include 180 square feet, in addition to parking area used for access drives and aisles. The minimum width of each space shall be nine (9) feet with a minimum depth of twenty (20) feet. Off-street turning and maneuvering area shall be provided for each lot so that no vehicle shall be required to back onto or from any public street.
3. When driveways and parking lots are adjacent to residentially zoned property, a screening wall shall be required in order to eliminate problems of noise and lights with respect to adjacent residential uses. Such a wall shall be of concrete, masonry, or other permanent material, shall be maintenance free, and shall be at least six (6) feet in height.

4.12.7 Off-Street Loading and Unloading Requirements of Commercial Vehicles

There shall be provided on the same lot with each commercial building or structure adequate area for off-street loading, unloading and the maneuvering of commercial vehicles. There shall be no loading or unloading of commercial vehicles on a public street. Off-street maneuvering space shall be provided so that no backing onto or from a public street is required. All loading and maneuvering areas shall be surfaced with hard, dustless material, shall be properly drained, shall be designed with regard to pedestrian safety, shall have direct access to public streets and shall be screened from adjacent residentially zoned property as provided for in the off-street parking lot requirements.

4.12.8 Permanent Reservation

The area reserved for off-street parking, maneuvering or loading in accordance with 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, maneuvering or loading area is provided.

Section 4.13 Telecommunication Towers

4.13.1 Purpose and Intent

The purpose of this Section is to establish specific criteria for the siting of wireless communication towers and antennas. These criteria do not apply to small wireless facilities that are 50 feet or less in height.

- A. Regulate the location of communication towers in the Town, and coordinate with surrounding local governments in the siting of communication towers in their nearly jurisdictions.
- B. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- C. Direct the location of towers into industrially zoned areas;
- D. Accommodate the growing need for communication towers;
- E. Minimize the total number of towers throughout the Town and surrounding areas;
- F. Strongly encourage the shared use/ co-location of new and existing tower sites as a primary option rather than construction of additional single use towers;
- G. Further the balance between the need to provide certainty to the communication industry in the placement of wireless communication facilities and the need to provide certainty to the residents and citizens of the Town that the aesthetic integrity of the Town will be protected from the proliferation of unnecessary antenna support structures;
- H. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

4.13.2 Landscaping and Fencing

- A. Security Fencing: Access to a communication tower and an equipment building(s) shall be through a locked gate. Telecommunication towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an anti-climbing device.
- B. Landscaping: The visual impacts of a tower and equipment buildings shall be mitigated for nearby viewers through landscaping and other screening materials. The following landscaping and buffering of towers shall be required around ground mounted towers and equipment buildings. The use of existing vegetation landscape vegetation shall

be preserved and may be used in supplement toward meeting the required landscaping requirements. The following requirements shall apply to all tower sites:

1. A row of shade trees, a minimum of eight (8) feet tall at time of planting and spaced to give optimum growth (eight to 20 feet depending on variety) shall be planted and maintained at locations surrounding the tower and buildings such that the maximum screening from adjacent lands and right-of-way are achieved. A continuance hedge at least 30 inches high at planting capable of growing to at least 36 inches in height within 18 months shall be planted and maintained in front of the tree line.
2. All landscaping shall be drought resistant or irrigated and properly maintained to ensure good health and viability. All hedge material shall be of the evergreen variety. Landscaping shall be installed on the outside of the fence and shall include a landscape buffer of 15 feet.

4.13.3 Accessory Equipment Buildings-

Accessory equipment buildings used in conjunction with the operation and maintenance of antennas shall be permitted subject to the following requirements:

- A. Shall not exceed 600 square feet of gross floor area per licensed provider:
- B. If ground constructed or mounted, shall not exceed 20 feet in height;
- C. Shall be located within close proximity, as is reasonably possible, to the structure upon which the antennas are attached. But in no case shall the building(s) be located on a parcel of land other than the one containing the tower.
- D. If ground constructed or mounted, shall meet the underlying zoning district setbacks for structures.
- E. Shall be designed, constructed and installed in compliance with the most recently adopted Florida Building Code. If prefabricated, shall be certified by the State under all applicable state laws. and
- F. Shall be of a material and/or color. which match the exterior of the existing structure, if any, where the antennas are located.

4.13.4 Lighting and Signage

- A. Lighting- Telecommunication towers shall not be artificially lighted except to ensure human safety or as required by the FAA. At the time of the construction of the tower, when there are residential uses or zoning within a distance which is 300 percent of the height of the tower measured from the base of the tower. dual mode lighting shall be requested from the FAA.
- B. Signage- No signage of any type shall be permitted on the tower. Signage on perimeter fencing shall be limited to FCC registration and trespassing, danger/warning, or emergency directions, unless otherwise required by law.

4.13.5 Compliance with Federal Regulations

If any interpretation or construction of any section, subsection, sentence, clause, phrase or portion of this ordinance conflicts with federal regulations as set forth in 47 USC 332, the federal regulations shall control.

4.13.6 Removal of Abandoned Towers

The Town Commission finds and declares that because of the national public policy of insuring that the wireless communication industry and its evolving new technologies are accommodated notwithstanding the undesirable effects that

towers may have on the aesthetics of communities and neighborhoods. there is a compelling public interest in insuring that towers are promptly disassembled, dismantled and removed once they are no longer being used. Further, the Town Commission finds that there is substantial risk that towers may cease being used in large numbers if there is a concentration or consolidation of competitors within the industry or if even newer technologies arise. eliminating the need for towers.

Accordingly, any antenna or tower that is not operated for a continuous period of 180 days shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Town Building Official who shall have the right to request documentation and/or affidavits from the tower owner/operator regarding the issue of tower usage and other information. Failure or refusal for any reason by the owner/operator to respond within 20 calendar days to such a request shall constitute prima facie evidence that the tower has been abandoned. Upon a determination of abandonment and notice thereof to the owner/operator, the owner/operator of the tower shall have 180 days within which to:

- 1) Reactivate the use of the tower or antenna or transfer the tower to another owner/operator who makes actual use of the tower/antenna within the 180 day period; or
- 2) Dismantles and removes the tower or antenna.

At the earlier of 181 days after the date of abandonment without reactivation or upon completion of dismantling and removal, the Special Exception Use approval by the Town of Oakland Town Commission shall automatically expire.

4.13.7 Collocation.

To encourage a reduction in the number of antenna support structures that may be required to site antenna in order to meet the Town's increasing demand for wireless service, antenna support services shall be structurally designed to accommodate up to three providers.

4.13.8 Removal.

The provisions of this Section of the Zoning Code shall be enforced through the Magistrate, except for appeals of the Town Manager's decisions regarding telecommunication towers which shall be determined solely by the Town Commission.

4.13.9 No Advertising on Towers.

No signage of any type shall be permitted on a tower, Signage on perimeter fences or walls shall be limited to Federal Communication Commission registration and trespassing, warning/danger, or emergency directions, unless otherwise required by law.

4.13.10 Franchise Required for Towers in ROW

Telecommunication towers shall not be allowed by the Town Commission in any public right-of-way.



ARTICLE 5

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Article 5 Definitions and Rules of Measurement

The rules in this section shall apply for interpreting the terms and provision of this LDC.

Section 5.1 Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this LDC and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

Section 5.2 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

Section 5.3 Computation of Time

Computation of Time shall be referenced with any response with development approvals, variances outside of F.S. public notice and hearing requirements.

- A. In computing any period of time prescribed or allowed, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.
- B. The term "day" means a business day, unless a calendar day is indicated.
- C. The term "month" means a calendar month.
- D. The term "year" means a calendar year unless otherwise indicated.
- E. Whenever a person has the right or is required to do some act within a prescribed period of time following the service of a notice or other document through mailed delivery, three days shall be added to the prescribed period.

Section 5.4 References to other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall mean a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

Section 5.5 Delegation of Authority

Any act authorized by this LDC to be carried out by the Director may be delegated by the Director to a professional-level Town employee and/or consultant under the Director's authority or control.

Section 5.6 Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Town of Oakland, Florida, unless otherwise indicated.

Section 5.7 Mandatory and Discretionary Terms

The words "shall," "must," "should" and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The word "may" is permissive.

Section 5.8 Rules of Measurement

5.8.1 Buildings

- A. Building Footprint. The exterior outline of a building where it meets the earth.
- B. Building Frontage. The length of the outside building wall facing a public right-of-way.
- C. Building Height. The vertical distance from the grade to the highest point of the roof including chimneys. Where no grade has been established, the height of the building may be measured from the mean elevation of the finished lot grade at the front of the building.
- D. Building Line. The line beyond which a building shall not extend, except as specifically provided by law, and which is determined from the extreme support of the roof of the main structure or appurtenance thereto.
- E. Highest Adjacent Grade. The highest natural elevation of the ground surface adjacent to the proposed walls of a structure.
- F. Lowest Floor. The lowest enclosed floor of a structure, including a basement, but not including the floor of an area enclosed only with insect screening or wood lattice as permitted by the flood damage prevention regulations in this LDC.

5.8.2 Density and Area

- A. Density or Gross Density. The total number of dwelling units divided by the total site area, but excluding lakes, natural water bodies, and other designated nonresidential productive areas, such as commercial or industrial uses.
- B. Floor area: The sum of the gross horizontal areas of the floors of a building measured from the exterior faces of the exterior walls or from the center line of common walls separating two (2) buildings or units, excluding the following:

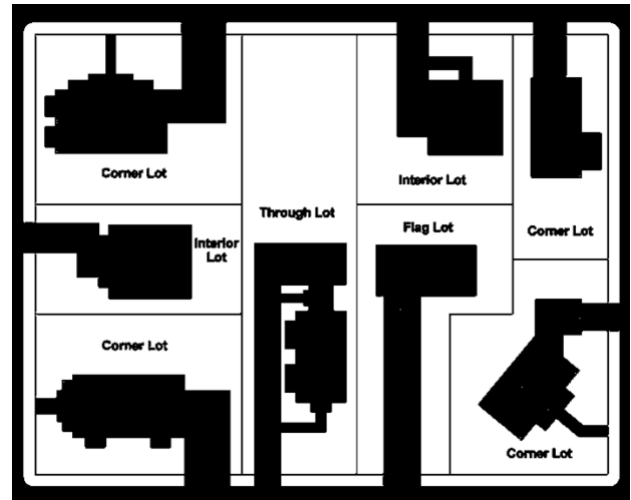
	Residential	Non-residential
Attic areas with headroom of less than seven (7) feet	X	X
Unenclosed stairs or fire escapes	X	X
Elevator structures		X
Cooling towers		X
Areas devoted to air conditioning, ventilating or heating or other building machinery and equipment,		X
Parking structures		X
Garage/Carport	X	X
Accessory Structures less than 100 sq. ft.	X	X
Basement space where the ceiling is not more than an average of forty-eight inches above the finished grade level of the adjacent portion of the lot	X	X
Screen enclosures and unenclosed porches with and without solid roofs or with solid walls on 3 or less sides (screening does not constitute enclosure)	X	X

- C. Floor Area Ratio (FAR) The gross floor area (in square feet) devoted to nonresidential development on all floors of all buildings located or proposed on a lot, by lot area (in square feet). FAR standards apply only to nonresidential portions of development.
- D. Gross Acreage. The total number of acres within the perimeter boundaries of a lot.
- E. Gross Floor Area. The sum of the gross horizontal areas of the floor(s) of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including

interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

5.8.3 Lots and Yards

- A. Lot. A unit of land occupied or intended for occupancy by a use permitted in this LDC. The term lot has the same meaning as parcel and tract.
- B. Lot Corner. A lot abutting two or more streets at their intersection.
- C. Lot Area. Lot area shall be determined by measuring the total horizontal land area (in acres or square feet) within the lot lines of the lot, excluding public street rights-of-way and private street easements.
- D. Lot Coverage. The total horizontal land area (in acres or square feet) covered by all solid surfaces (hard surfaces like swimming pools, decks, patios, driveways, and buildings) on the lot, and dividing that coverage area by the lot area, and multiplying the result by 100.
- E. Lot Depth. The distance measured from the midpoint of the front line of a lot to the midpoint of the opposite rear line of the lot.
- F. Lot Depth Line. A line connecting the midpoint of the front lot line with the midpoint of the rear lot line.
- G. Lot, Double-Frontage. A lot having a frontage of two nonintersecting streets as distinguished from a corner lot.
- H. Lot, Interior. A lot other than a corner lot.
- I. Lot, Width at the Building Line. The distance between the side lot lines, measured at the front building line and parallel to the front lot line.
- J. Lot, Through [See Lot, Double-Frontage]
- K. Setback. The distance by which a building or structure is separated from a property line. Setback may be expressed as a minimum, a maximum, or a range encompassing both a minimum and a maximum.
- L. Sight Triangle. Sight triangles are used to avoid obstruction of vision at intersections. No walls, fences signs or landscaping shall be permitted on local road corner lots within a setback of 25 feet of intersecting street rights-of-way and lots on collector and arterial roads within a setback of 50 feet of intersecting street rights-of-way if such a wall, fence, sign or landscaping may obstruct traffic visibility. Combination of the various rights-of-way may be combined. The City Engineer may review any clear site triangle for changes to the setback distances depending on sight conditions.



Section 5.8 Term not Defined

If a term used in this LDC is not defined in this LDC, the Director is authorized to interpret its meaning. Such interpreted meaning shall be based upon the definitions used in accepted sources—including, but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions (all published by the American Planning Association), as well as general dictionaries such as Merriam-Webster,

American Heritage, Webster's New World, and New Oxford American dictionaries.

Section 5.9 Definitions

Except where specific definitions are used within a specific Article or Section of this Ordinance, the following terms, phrases, words and their derivation shall have the meanings given herein when not inconsistent with the context. Words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "lot" includes "plot" and "tract". The word "building" shall include "structure". The words "used for" shall include the meaning "designed for". The word "person" shall include the words "firm, association, organization, partnership, trust, company, corporation", as well as "an individual". The word "shall" is mandatory and not directory, and the word "may" is permissive.

Abutting property: Any property that is immediately adjacent to or contiguous to property that may be subject to any hearing required to be held under this Act, or that is located immediately across any road or public right-of-way from the property subject to any hearing under this Act..

Adult family care home: Housing and personal care provided to the frail elderly and disabled adults who choose to live with an individual or a family in a private home. This use is regulated and licensed by FS Section 427.67.

Alley: A private or public way which affords a secondary means of access to the property abutting thereon.

Animals shall include any living dumb creature, excluding humans

Area: All lands located in the Town of Oakland, Florida, which may be divided into districts, of such number, size and shape as may be deemed best suited to carry out the purposes of orderly planning and growth management.

Assisted living facility: Provides lodging and long-term skilled nursing care for aged, chronically ill or convalescent patients; as defined by FS Chapter 429.

Boarding: A service use facility which is operated primarily for the purpose of providing overnight lodging for domesticated animals.

Boat house: An accessory or subordinate building for storage of boats of occupants of the principal dwelling, reached by and attached to a dock, pier, or walkway constructed over a body of water abutting the land upon which the principal building stands.

Building: Any structure designed or built for the support, enclosure, shelter or protection of persons or property of any kind, but not to include trailers as herein defined.

Bulk: A term used to describe the size and shape of a building or structure and its relationship to other buildings, to the lot area for a building and to open spaces and yards.

Bungalow: A primary building type for single family use that is detached, has specific design criteria, and contains its own cooking and sanitary facilities.

Business and professional office: Uses include finance, insurance and real estate functions; medical and other health outpatient functions; legal functions (excluding bail bonds); engineering, architectural and planning functions; accounting, auditing and bookkeeping functions; duplicating, mailing and stenographic services; blueprinting and photocopying service; welfare and charitable administrative and executive functions; business,

professional, political, labor, civic, social and fraternal associations, organizations and union administrative and executive functions; offices occupied but not owned by a governmental unit; advertising, employment (excluding temporary/day labor services), protective, business and management consulting functions; administrative and executive functions; radio, television and related public service broadcasting and transmission studios; other business, professional and nonprofit organization office functions of a similar nature.

Caliper: A nursery standard measurement of a tree trunk as measured at a predetermined point of measurement. Trunk caliper for trees up to four inches is to be measured six inches above the soil line. Trees four inches in caliper and greater will be measured 12 inches above the soil line.

Canopy coverage: The coverage of a tree, by its limbs and leaves, of the ground below. This area may include trees offsite on adjacent properties or public rights-of-way where limbs and portions of a tree's canopy overhang onto the subject property.

Change of occupancy: A discontinuance of an existing use and the substitution therefor of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment by a person(s) practicing any form of healing or health-building services to individuals, the practice of which is lawful in the State of Florida.

Club: Buildings, facilities and property 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 carried on as a business.

Community residential home: A dwelling unit licensed to serve residents who are clients of the Florida Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for one to six unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. FS Section 419.001 (2) provides criteria related to this use.

Comprehensive plan: Those coordinated plans or portions thereof which have been prepared by or for the Oakland Planning and Zoning Board or its predecessors for the physical development of the Town of Oakland; or any plans that designate plans or programs to encourage the most appropriate use of the land and water and to lessen congestion throughout the Town, in the interest of public health, safety and welfare.

County: Orange County, Florida.

Crops: include row crops, truck crops, orchards, and the growing of similar non-animal-based food; Crops do not include greenhouses, silviculture, fisheries, or agricultural processing.

Day care facility: Child care center; nursery school; kindergarten; or adult care facility, excluding family day care home as defined by F.S. § 402.302(5).

Dead or beyond recovery: More than 50 percent dead or in a state of irrecoverable decline, as judged by the Town staff.

Design District: Any section of the certain described area of the Town of Oakland which these regulations apply within with the building type is defined in this code.

Diameter breast height (DBH): The diameter, in inches, of a tree measured at 4 1/2 feet above the existing grade. When a tree has grown with cluster stems at breast height, DBH shall be equal to the sum or aggregate of the individual stems measured at 4 1/2 feet above grade.

Dripline: An imaginary line on the ground defined by vertical lines which extend from the outermost tips of the tree branches to the ground.

Drive Through facility: An establishment that is designed to provide a service directly to a customer while in their vehicle on the premises without the customer leaving their vehicle. Examples include a bank, convenience store, drug store, fast food restaurant and similar uses.

Duplex house: See "Dwelling - Two Family".

Dwelling: A building or portion thereof, designed or used exclusively for residential occupancy, but not including hotels, motels or trailers.

Dwelling - single family: A detached dwelling containing complete housekeeping facilities for one family only, designed for or occupied exclusively by one family for usual domestic residential purposes, and having no enclosed space or cooking or sanitary facilities in common with any other dwelling. Single-family dwellings include: Estate House, House, Garage apartment and Bungalow.

Dwelling - two-Family/(Duplex: A building which has two (2) dwelling units and is designed for or occupied exclusively by two (2) families. Each living unit shall be separated by a common, 4-hour fire rated wall.

Dwelling – mixed use. A building which accommodates both a residential and commercial component. This includes Store/House and Live/work Flex as mixed-use dwellings.

Dwelling - multiple: A building designed for or occupied exclusively by three (3) or more families. Apartments, condominiums and townhouses are multi-family dwellings.

Emission: The act of passing into the atmosphere an air contaminant or gas stream which contains or may contain an air contaminant; or the material so passed into the atmosphere.

Exempt trees: trees that do not require a permit for removal.

Existing tree canopy: Tree canopy that has existed for at least two years prior to development as evidenced by city or county aerial photographs, or a tree survey of trees one-inch caliper and larger

Exotic wild animals include poisonous and/or dangerous animals, and other non-traditional animal pets such as weasels, lions, tigers, wolves, snakes and the like.

Family - One or more persons related by blood, marriage or adoption, exclusive of household servants, occupying a dwelling and living as a single nonprofit housekeeping unit; or four (4) or fewer persons, not related by blood, marriage or adoption, exclusive of household servants, occupying a dwelling and living as a single nonprofit housekeeping unit, in either case as distinguished from persons occupying a rooming house or hotel, as herein defined.

Garage apartment: An accessory or subordinate building containing living facilities for not more than one (1)

family and an enclosed space for at least one (1) automobile, not a part of/or attached to the principal building.

Garage, residential: An accessory building or portion of the principal building including a carport used for the storage of vehicles owned by the occupants of the principal building.

Guest cottages: Living quarters within a detached accessory building located on the same lot or parcel of land as the principal building, to be used exclusively for housing members of the family occupying the principal building and their nonpaying guests. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

Heavy machinery: Mechanical land clearing, earth-moving, or earth-working equipment with a gross weight in excess of 5,000 pounds. For purposes of this ordinance, all machinery which utilizes steel tracks or rollers for traction shall be considered to be heavy machinery however, removal of trees greater than six (6) inches DBH.

Hobby farm: Raising or keeping of livestock and agricultural crops, including customary farm animals and wild animals licensed pursuant to state law, as an accessory use to the principal residential use of the property, or adjacent properties under the same ownership or control, in which the raising of livestock on the property does not constitute a principal income for the land owner.

Home occupations: Any use conducted entirely within a dwelling or accessory building and carried on by an occupant thereof, which use is clearly incidental and secondary to the use for dwelling purposes and does not change the character thereof.

Hotel: A building or other structure used and maintained at a place where sleeping accommodations are supplied to transient guests.

Industrial, light: Any combination of storage, research, fabrication, development, and testing of finished products intended for end users, rather than for use by other industries for additional processing; and other uses that are compatible with adjacent residential development provided there is basic landscaping buffering, access control and architectural treatment of the industrial development. The determination of compatibility is based upon an absence of negative externalities (noise, glare, smoke, odor, vibration, etc.) detectable by humans at the edge of the lot containing the light industrial use.

Impervious surface: Any material which prevents, impedes, or slows infiltration of absorption of stormwater into the ground. These areas include building footprints, sidewalks, driveways and parking areas, utility pads, patios and pools, porches, garages, carports and accessory structures. Pavers and gravel count towards impervious surface. Porous concrete and other alternative porous surfacing may count as pervious surface only with an approved inspection and maintenance plan.

Impervious surface ratio: A mathematical expression determined by dividing the total impervious surface of a site by the gross area of the site.

Junkyard. Accumulation, storage and/or processing of discarded materials; articles or parts which have been discarded and are intended for permanent dismantlement and/or destruction; incidental selling of salvaged articles, parts and/or materials.

Laundry, self-service: A business that provides coin-operated washing, drying, dry cleaning, and/or ironing machines for hire to be used by customers on the premises.

Livestock includes cattle, horses, pigs, goats and similar domestic farm animals; Livestock also includes non-dangerous foreign animals such as giraffes, zebras or gazelle as well as ostriches, emus and other flightless birds.

Major root: Any root that is one-fifth the size of a tree's trunk DBH or larger.

Manufacturing. Processing of materials, warehousing, storage, assembly and distribution of goods; boat yards; research and testing laboratories. Excludes agricultural processing establishments, junkyards and mining.

Mini-storage facility: a facility where secured areas in a structure are rented to individuals only for short or long-term storage of household items (excluding vehicles) and other non-hazardous, non-perishable durable goods.

Mobile homes: A structure, transportable in one or more sections, which is 8 body feet or more in width, over 35 feet in length and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Motel: A building or group of buildings whether detached or in connected units, used as sleeping accommodations designed primarily for transient automobile travelers. The term "motel" includes buildings designated as auto courts, tourist courts, motor lodges, and similar names or titles.

Multiple tenant structure: Any building or structure designed or constructed for two (2) or more tenants. Generally, includes apartments, condominiums and townhouses.

Office, business: An office for such activities as real estate agencies, advertising agencies, (but not a sign shop), insurance agencies, travel agencies, and ticket sales, chamber of commerce, credit bureau, stockbroker and the like. It is characteristic of a business office that retail or wholesale goods are not shown to or delivered from the premises to a customer.

Office, professional: An office for use of a person or persons generally classified as professional, such as architects, engineers, attorneys, accountants, doctors, dentists, psychiatrists, and the like.

Off-street parking facility: A lot or parcel of land or structure designed, constructed or utilized for the temporary storage or parking of motor vehicles.

Open space: That part of a lot open and unobstructed from its lowest level upward which is accessible to all residents on the lot, except as may be required for safety, and which is not used for off-street parking, streets, drives, refuse storage or other utility or building purposes.

Parks and recreation: Public parks and recreation land and facilities developed for use by the general public, including playground activities, ballfields, shuffleboard courts, and other similar active recreation uses open to the general public.

Parking lot: An area or parcel of ground used for the storage or parking of motor vehicles as an accessory service to a commercial, industrial, or residential use.

Places of assembly: Any place where people collectively gather for a communal purpose. Places of public assembly shall not include public schools, restaurants, or public facilities operated by a governmental entity.

Poultry: Domestic fowl including chickens, roosters, turkeys, ducks, geese, and pigeons. Wild or non-domesticated birds are not included in this definition.

Protected area: An area surrounding a protected or specimen tree within which physical intrusion is prohibited in order to prevent damage to the tree, roots and soil around the tree base, the dimensions of which shall be established by the Town and set forth in the site plan review and the clearing and grading permit.

Protected tree: Any tree, other than palm or nuisance trees as depicted in Article 4, Sec 4.11, with a minimum trunk DBH of six (6) inches and a height of 15 feet.

Protective barrier: Fencing of undisturbed area or protected trees. Wooden posts at least four-by-four (4x4) inch shall be installed into the ground with at least four (4) feet visible above the ground. Posts shall not be placed more than six (6) feet apart and shall be linked together by two rows of two-by-four (2x4) inch wooden boards wooden boards spaced not farther than two and one half (2.5) feet apart.

Removal of a tree: shall mean either actually removing a tree from the ground in which it grew or effectively removing a tree through damaging the trunk, topping, damaging, or removing major limbs, roots, or sufficient canopy volume so that the tree dies, declines beyond recovery, or becomes a hazard to public safety that actually must be removed.

Retail sales and service include:

Antique store. Antique furniture and home furnishings; objects of art; related antique accessories;

Building material sales. Lumber; building materials; hardware; paint and glass; electrical supplies; roofing materials; plumbing supplies;

Convenience goods store. Bakeries; groceries; drugs; notions; toiletries; sundries; pet shop including indoor grooming and boarding facilities;

Department store. Clothing; shoes; apparel accessories; specialty items; furniture; appliances; home furnishings;

Domestic and business repair. Small electrical appliances, radios and television repairs; reupholstery and furniture repairs; bicycle, lawn mower, leather goods, locks, guns and musical instrument repairs; business machine and typewriter repairs; similar specialized repair services;

Domestic rental. Renting or leasing small miscellaneous merchandise, products or goods;

Horticultural nursery sales. Plants, flowers, shrubs, bulbs and flower seeds; farm hardware and production supplies; miscellaneous gardening supplies;

Personal service establishment. Beauty and barber services; health clubs and spas, garment mending; alteration and related minor pressing services; laundry and dry cleaning pickup establishments; self-service or coin-operated laundromat services; fur repair and storage services; shoe shining and shoe repair; watch, clock and jewelry repair services; commercial photographic services; astrology and fortunetelling services; other personal services of a similar nature;

Secondhand store. Used clothing; used furniture; used books; flea market; similar miscellaneous used merchandise and goods; incidental repair departments. Excludes pawnshops.

Rooming house: a private house in which rooms are rented for living or staying temporarily.

Shed: A temporary accessory structure without permanent foundation or plumbing used for the storage of lawn

and other equipment. Sheds have four walls, a roof, and are typically pre-fabricated. Sheds do not include canopy, tent, lean-to, or vehicular storage type facilities.

Shopping center: One or more retail stores and/or service establishments containing a minimum of 15,000 square feet of floor space and providing off-street parking on the property.

Sign: Any writing, pictorial presentation, number, illustration or decoration, flag, banner or pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term "sign" shall not be deemed to include the terms "building" or "landscaping" or any architectural embellishment of a building not intended to communicate information.

Sign structure: Any construction used or designed to support a sign.

Snipe signs: For the purpose of Article 4, Sec. 4.4 Signs, only, an unauthorized temporary sign posted or attached to posts, trees, utility poles, fences, wire frame, wood stakes or similar support structures for the purpose of advertising an event, service, or product not located on the property for which the sale, service, or event occurs.

Specimen tree: All approved trees with a DBH of 24 inches or greater or trees designated by Town Commission because of type, size, age or other criteria

Street trees: Trees, shrubs, bushes, and all other woody vegetation on land lying within the public rights- of-way or easement.

Townhouse: A single-family dwelling constructed as a part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs.

Toxic materials: Material which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Truck Farm: A farm, greater than 25 acres in area, devoted to the production of vegetables.

Truck stop or terminal: Buildings and premises designed so as to cater principally to trucks, where the functions and services rendered by a mechanical garage may be rendered, but not to include the storage of vehicles for the purpose of using parts of said vehicles for sale or repair.

Unit: A room or rooms connected together constituting separate, independent living quarters for a person or family, permanently or temporarily, continuously or transiently, containing sleeping quarters, with or without bathing or cooking facilities.

Use: The purpose for which land or water or a structure thereon is designed, arranged, and intended to be occupied or utilized, or for which it is occupied or maintained.

Use, accessory: A use or structure which is clearly incidental to, customarily found in association with, and serves a principal use; is subordinate in purpose, area, or extent to the principal use served; and is located on the same building site as the principal use, or on an adjoining building site in the same ownership as that of the principal use. Design guidelines may apply. Accessory structures include: boat dock, boat house, garage, garage apartment, guest cottage, shed, back cottage, fabrication shop, accessory shop, and farm stand.

Use, principal/primary: The main use of land or buildings as distinguished from a subordinate or accessory use.

Vehicle: In addition to the automobile, the following are considered a vehicle: truck, bus, motorcycle, boat, camper, trailer, recreational vehicle, semi-truck, tractor, farm equipment and the like.

Wholesale and Construction:

Construction and contractor yard. Builders, developers; general building, heavy construction and special trade contractors; plumbing, painting, electrical work and carpentry contractors; other building and structural construction of a similar nature; incidental equipment, materials and related items; incidental maintenance facilities;

Heating fuel sales. Heating fuel oil, bottled gas, wood and other substances of a similar nature;

Non-retail sales and service. Wholesaling and warehousing; open and tank storage; other non-retail sales and functions of a similar nature; excludes junkyards.

Variance: A request to deviate from current zoning or design district dimensional requirements of this ordinance

Zoning district: Any section of the certain described area of the Town of Oakland to which these regulations apply and within which the zoning regulations are uniform