ZONING CODE

Adopted 1999
Amended as of December 9, 2004
Amended July 26, 2005
Amended March 3, 2009
TABLE OF CONTENTS

ARTICLE XV I-2, Industrial Restricted District .................................................................46
   Section 16.1 Establishment .......................................................................................47
   Section 16.2 Purpose .................................................................................................47
   Section 16.3 Acknowledgment ................................................................................47
   Section 16.4 Applicability .........................................................................................47
   Section 16.5 DESIGNATED GATEWAY CORRIDORS: ...........................................48
   Section 16.6 ALLOWABLE USES ............................................................................48
   Section 16.7 DEFINITIONS: ....................................................................................49
   Section 16.10 REQUIRED LANDSCAPING; BUFFER; BUFFER DESIGN .............51
   Section 16.11 DESIGN STANDARDS ......................................................................56
   Section 16.13 UTILITY LINES AND DEVICES .......................................................71
   Section 16.16 SCREENING OF MECHANICAL UNITS ........................................72
   Section 16.17 STORAGE / SERVICE AREAS; MISCELLANEOUS .......................72
   Section 16.18 VARIANCES / SPECIAL EXCEPTIONS ............................................72
   Section 16.19 PENALTIES ......................................................................................72

ARTICLE XX. PLANNED UNIT DEVELOPMENT .................................................................105
Purpose and Intent .......................................................................................................105
   Definition$05 ............................................................................................................106
   Application Fees .....................................................................................................106
   Rezoning and Development Plan Approval Process ................................................106
      Review and Approval Criteria .............................................................................106
      Concept Plan (non-binding) ...............................................................................107
         Pre-application conference ..............................................................................107
         Concept plan requirements .............................................................................107
      Land Use Plan ......................................................................................................108
         Submittals ..........................................................................................................108
         Review and Approval ......................................................................................112
      Development Plan ...............................................................................................113
         Review and Approval ......................................................................................113
         Submittals ..........................................................................................................113
         Final Plat ...........................................................................................................118
   Alterations to Land Use and Development Plans ...................................................118
   Building Permit Application ...................................................................................119
   General Site Development Standards ....................................................................119
      Generally .............................................................................................................119
      Best Development Practices ..............................................................................119
      Location ...............................................................................................................120
      Unified Control ....................................................................................................120
      Minimum PUD and Sub-Area Size ....................................................................120
      Variances .............................................................................................................120
      Bond$20 ...............................................................................................................120
      Control of Development Following Approval ...................................................120
      Phasing ................................................................................................................121
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Time Limits and Reversion</td>
<td>121</td>
</tr>
<tr>
<td>Binding Nature of Rezoning to PUD</td>
<td>121</td>
</tr>
<tr>
<td>Public Notice</td>
<td>121</td>
</tr>
<tr>
<td>Development Standards</td>
<td>122</td>
</tr>
<tr>
<td>Compliance with Subdivision Regulations</td>
<td>122</td>
</tr>
<tr>
<td>Size and Dimension Regulations</td>
<td>122</td>
</tr>
<tr>
<td>Densities/Intensities</td>
<td>122</td>
</tr>
<tr>
<td>Minimum Living Area</td>
<td>122</td>
</tr>
<tr>
<td>Building Height</td>
<td>123</td>
</tr>
<tr>
<td>Landscaping and Tree Protection</td>
<td>123</td>
</tr>
<tr>
<td>Parking</td>
<td>123</td>
</tr>
<tr>
<td>Recreation/Open Space</td>
<td>123</td>
</tr>
<tr>
<td>Improvements and Urban Design Amenities</td>
<td>124</td>
</tr>
<tr>
<td>Uses</td>
<td>125</td>
</tr>
<tr>
<td>Transportation Network and Access</td>
<td>126</td>
</tr>
<tr>
<td>Infrastructure</td>
<td>126</td>
</tr>
<tr>
<td>Natural Features</td>
<td>126</td>
</tr>
<tr>
<td>Compatibility</td>
<td>126</td>
</tr>
</tbody>
</table>
ARTICLE I. REPEAL AND INTENT

Section 1.1 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 1.2 Interpretation and Application of Zoning Code.

The regulations and requirements herein set forth have been established in accordance with the Comprehensive Plan adopted November 15, 1991, by the Town of Oakland, with reasonable consideration, among other things, to the prevailing land uses, growth characteristics and the development character of the respective zoning districts and their peculiar suitability for particular uses and to encourage the most appropriate use of land and water throughout the Town.

In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements to promote the public health, safety, morals and general welfare and to protect the character and maintain the stability of residential, commercial, educational, cultural and recreational areas within the Town.

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 and bulk 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, educational, cultural, recreational, and other specified uses; and to limit congestion in the public streets by providing off-street parking of motor vehicles and sufficient maneuvering area; and to define the powers and duties of the Planning and Zoning Board and the Zoning Board of Adjustment and Appeals appointed pursuant to the Charter and Code of Ordinances of the Town of Oakland, Florida.

Section 1.3 Legal Status - Saving Clause.

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this Ordinance and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this Ordinance, after exclusion of such part or parts, shall be deemed to be held valid as if such part or parts had not been included therein; or if this Ordinance, or any of the provisions thereof, shall be held inapplicable to any person, group of persons, property, kind of property, circumstance, or set of circumstances, such holding shall not affect the applicability hereof to any other person, property or circumstance.

Section 1.4 Effective Date.

This Ordinance shall take effect on the day following final adoption by the Town Commission.
ARTICLE II. 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.

Abandoned sign: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity which is no longer licensed, no longer has a certificate of occupancy or is no longer doing business at that location, and/or for which no legal owner can be found.

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.

Accessory Use or Structure: 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.

Advertising display surface area: The advertising display surface area (copy area) encompassed within any regular geometric figure which would enclose all parts of the sign. The structural supports for a sign, whether they be columns, pylons, or a building or a part thereof, shall not be included in the advertising area.

A-frame or movable sign: A sign which is not secured or attached to the ground, or which is free of structures or supports upon the ground.

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

Animated sign: Any sign which uses movement or change of lighting to depict action or to create a special effect or scene.

Apartment, garden: See Dwelling, Multiple.

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.

Automobile service station: Buildings and premises designed so as to cater principally to automobiles where gasoline, oils and greases, batteries, tires and automobile accessories may be supplied and dispensed at retail.

Banner sign: A temporary sign composed of nonrigid material either enclosed or not enclosed in a rigid frame, secured or mounted.

Beacon/searchlight: Any light with one (1) or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically, or having any part thereof capable of being revolved automatically.

Bench sign: Any sign, lettering, symbol or figure located on, or attached to any part of, a bench or seat.
Billboard sign (outdoor advertising): Any sign structure advertising an establishment, merchandise, service or activity which is not sold, produced, manufactured or furnished at the property on which the sign is located, also referred to as "billboards" or outdoor advertising or off-premise advertising.

Board: See ARTICLE V, Board of Zoning Adjustment and Appeals.

Boarding house or lodging house: A dwelling used for the purpose of providing meals or lodging or both to persons other than members of the family occupying such dwelling or any unit designed, constructed and marketed where the individual bedrooms are leased separately and have shared common facilities. This definition shall not include a nursing home.

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 or mobile homes as herein defined.

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.

Building line: The extreme overall dimensions of a building as staked on the ground, including all areas covered by any vertical projection to the ground or overhang of walls, roof or any other part of a structure, whichever is nearest to the property line, will be considered as the building; provided, however, that a roof overhang not exceeding two (2) feet shall not be included in the determination of a building line.

Building Line, Front: A line parallel to the street right-of-way and representing the minimum distance which all or any part of a building is set back from the right-of-way. All lot sides facing a street right-of-way shall be considered to be a front building line. The front building line may be greater or shorter than the required yard setback depending on building placement.

Building setback line: A line parallel to the property line at the distance prescribed by this Zoning Code under minimum building setbacks. See also "setback".

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.

Bulletin board: A sign of permanent character, with removable letters, words or numerals, indicating the names of persons associated with, or events conducted upon, or products or services offered upon, the site on which the board is maintained.

Changeable copy sign: A sign which is designed or constructed so that the letters, symbols or figures may be changed or rearranged electronically, mechanically or manually without altering the sign structure. Such changes may be electronic or by hand.

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.

**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.

**Construction sign**: Any sign identifying the contractors, architects, consultants or lending institution responsible for construction or development on the site where the sign is placed.

**Copy area**: The display area encompassed within any regular geometric figure which would enclose all parts of the sign. The structural supports of a sign whether they be columns or pylons, shall not be included in the copy area. The entire illuminated face of the sign shall be considered in calculating the copy area.

**Cottage industries**: 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.

**County**: Orange County, Florida.

**Crown**: The main mass of branching of a plant above the ground.

**DBH, Diameter at breast height**: Fifty-four (54) inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

**Directional/information sign**: Any sign giving directions, instructions or information about a facility or business located on the same property, for example "Parking", "One-Way", "Exit", "Entrance", etc.

**Directory sign**: A sign on which the names and/or locations of occupants or the use of a building is given. The term shall include office building directories, church directories and apartment complex directories.

**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.

**Drip line**: The outermost perimeter of the crown of a plant as projected vertically to the ground.

**Duplex house**: See "Dwelling - Two Family".

**Dwelling**: A building or portion thereof, designed or used exclusively for residential occupancy, but not including hotels, lodging houses, motels or mobile homes.

**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 purposes, and having no enclosed space or cooking or sanitary facilities in common with any other dwelling.

**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 - Multiple**: A building designed for or occupied exclusively by three (3) or more families.

**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.

**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 boardinghouse, lodging house, rooming house or hotel, as herein defined.

Flag: Flags used as emblems of on-premise businesses, firms, companies, enterprises, and/or religious, charitable, public or non-profit organizations.

Flashing sign: A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light.

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

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<th>Residential</th>
<th>Non-residential</th>
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<tr>
<td>Attic areas with headroom of less than seven (7) feet</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Unenclosed stairs or fire escapes</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Elevator structures</td>
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<td>X</td>
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<tr>
<td>Cooling towers</td>
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<td>X</td>
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<td>Areas devoted to air conditioning, ventilating or heating or other building machinery and equipment</td>
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<td>X</td>
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<tr>
<td>Parking structures</td>
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<td>X</td>
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<td>Garage/Carport</td>
<td>X</td>
<td>X</td>
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<td>Accessory Structures less than 100 sq. ft.</td>
<td>X</td>
<td>X</td>
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<td>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</td>
<td>X</td>
<td>X</td>
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<td>Screen enclosures and unenclosed porches with and without solid roofs or with solid walls on 3 or less sides (screening does not constitute enclosure)</td>
<td>X</td>
<td>X</td>
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Floor area ratio (FAR): The floor area of the building or buildings on any lot divided by the area of the lot.

Freestanding sign: A sign or sign structure, not structurally secured to the ground or to any other structure.

Frontage, lot: See "Lot frontage".

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.

Garage, mechanical: Buildings and premises where the functions and services rendered by an automobile service station may be rendered and, in addition, all other services catering to the maintenance, service and repair of automobiles may be rendered, EXCEPT:

2. Body work.
2. Painting of automobiles or other vehicles.

2. Storage of vehicles for the purpose of using parts of said vehicles for sale or repair.

2. Any condition which may be classified as a "junk yard", as herein defined.

**Ground-mounted sign**: A sign attached or affixed to the ground which has a base equal to the width of the sign face.

**Ground sign**: A sign which is supported by, structures or supports secured in or upon the ground, generally in a concrete or cement base, independent of support from any building.

**Government sign**: A sign erected, owned, leased or maintained by any city or county, the state, (or any of its agencies or political subdivisions), or the federal government, for the purpose of directing traffic or for designation of, or direction to, any school, hospital, historical site, or public service, property or facility.

**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.

**Historic tree**: A tree that has been designated by the Town Commission as one of notable historical interest and value to the Town because of its location or historical association with the community. A public hearing shall be held by the Town Commission on the designation with due notice to the owner of the tree.

**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**: See "Cottage industries".

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

**Identification sign**: An on-site sign with a copy limited to the name and address of a building, institution, person, activity or occupation.

**Illuminated sign**: A sign which incorporates an artificial light source, either internal or external to the sign, for the purpose of illuminating the sign.

**Illegal sign**: A sign which does not meet the requirements of Article XVI and which is not a nonconforming sign.

**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.

**Incidental sign**: A small sign, emblem, or decal informing the public of goods, facilities or services available on the premises, e.g., a credit card sign or sign indicating hours of business.

**Integral sign**: A memorial sign or tablet, identifying the name of the building and/or its date of erection, cut
into any masonry surface, or constructed of a permanent or incombustible material mounted on the face of a building.

**Junk yard**: An area where waste, used or secondhand materials, equipment and/or machinery is bought, sold, exchanged, bagged, maintained, stored, baled, packed, disassembled, or handled including, but not limited to, wrecked or inoperable automobiles, scrap iron and other metals, paper, rags, rubber or nylon tires, bottles, and used building materials, plumbing fixtures, electrical fixtures, and lumber. Junk yards shall include specifically, but not by way of limitation, automobile wrecking yards, building materials wrecking and/or storage yards, and used appliance wrecking and/or storage yards.

**Landscaped screen**: A landscaped area not less than ten (10) feet in width, consisting of at least one row of decorative or ornamental trees, shrubs and other landscaping materials suited to the climate and soils of Oakland, Florida, designed and placed in a manner rendering such visual screen at least eighty (80) per cent opaque from the ground to not less than four (4) feet in height within a period of five (5) years after such screen is provided.

**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.

**Lodging house**: See "Boarding House".

**Lot**: A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance.

**Lot of record**: A lot which is part of a subdivision, the plat of which has been lawfully recorded in the Office of the Clerk of the Court of Orange County, Florida on or before March 3, 1981.

**Lot, corner**: A lot abutting two (2) or more streets at their intersection.

**Lot frontage**: The primary lot frontage shall be considered all the property on the narrow width of a lot abutting a street right-of –way. All other sides of a lot adjacent to streets shall be considered secondary lot frontage, and yards shall be provided as indicated under appropriate zoning categories. Primary lot frontage on through lots shall be determined by existing development.

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

**Lot depth**: The distance measured from the midpoint of the front lot line to the midpoint of the opposite rear line of the lot.

**Lot interior**: A lot other than a corner lot.

**Lot, reversed corner**: A corner lot on the side street lot line of which is substantially the continuation of the front lot line of the first lot to its rear.

**Lot width**: The horizontal distance between the side lot lines, measured at the front building line and at right angles to the depth.

**Marquee sign**: A sign attached to and made a part of a marquee. A marquee is a permanent roof-like structure of rigid material projecting from a building wall.

**Menu board**: A freestanding sign which carries only the name of a restaurant and the current list and/or prices of foods or food preparations available in that restaurant.

**Minimum living area or space**: The minimum floor area of a dwelling as measured by its outside dimensions exclusive of carports, porches, sheds and attached garages.

**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 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.

Mobile home park: A parcel of land five (5) acres or more designed, constructed, equipped, operated, managed and maintained for the purpose of proving spaces for rent or lease of mobile homes, or for sale within a managed condominium arrangement.

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 sign: A sign or signs which pertains to the uses of a property where there are two (2) or more separate uses or businesses on a given piece of property.

Multiple tenant structure: Any building or structure designed or constructed for two (2) or more tenants.

Nameplate: A sign indicating the name, address, and/or profession or occupation of an occupant or a group of occupants.

Nonconformity: A lot, structure, or use of land, or any combination thereof, which was lawful when established, but the new establishment of which would be prohibited by current zoning regulations.

Noxious matter: Material which is capable of causing injury to living organisms by chemical reaction.

Nursing home: A home for the aged, convalescent, chronically ill, or incurable persons, in which two (2) or more persons not of the immediate family are received, kept or provided with food and shelter or care; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

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. It is characteristic of professional offices that display advertising is prohibited as unethical practice and that the use is characterized by the offering of consulting services.

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.

On-site sign: A sign which pertains to the use of the property on which it is located.

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.

Outdoor advertising sign: A sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which the sign is located, e.g., "billboards" or "off-premise sign".

Owner: Owner is defined to include the owner of the fee simple title of record, a vendee under a contract by
agreement for deed or a lessee under a written lease whose remaining term at the time of application for
hearing is more than ten (10) years.

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.

Performance standard: A criteria established to control such matters as, but not limited to, noise, odor,
smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare and heat generated by or
inherent in uses of land or buildings.

Permanent sign: Any sign located on a parcel of real property in the incorporated area of the Town of
Oakland which is not a temporary sign.

Point of sale purchase display: Advertising of a retail item accompanying its display, e.g., an
advertisement on a product dispenser.

Pole and/or pylon sign: A sign supported by one (1) or more upright poles or braces, permanently in or on
the ground.

Political sign: A temporary sign used in connection with a local, state or national election or referendum.

Principal use: The main use of land or buildings as distinguished from a subordinate or accessory use.

Projecting sign: A sign which is erected at an approximate ninety-degree angle from the wall of a building
and projects out from the building or wall more than twelve (12) inches.

Protected tree: Any tree that has a DBH of more than eight (8) inches, and which is not otherwise exempted
from this Code.

Public service message sign: An electronically or electrically controlled sign which conveys information
such as time, date, temperature or atmospheric conditions.

Pylon-mounted sign: A sign supported by one (1) or two (2) uprights or braces, permanently in or on the
ground.

Real estate sign: A sign which is used to offer for sale, lease or rent the property or building located on the
property upon which the sign is placed. A sign, located on a property, which makes reference to sale, lease,
and/or development potential of said property.

Remove: To relocate, cut down, damage, poison, or in any other manner destroy or cause to be
destroyed, a tree.

Residential identification sign: A sign identifying a subdivision, condominium complex, or
other residential development.

Restaurant: Any establishment where food is served for consumption off the premises or
within an enclosed building.

Rotating sign: A sign in which the sign itself or any portion of the sign moves in a revolving or
similar manner. Such motion does not refer to methods of changing copy.

Setback: The minimum horizontal distance from a lot line to a building line, as required by this Zoning
Code.

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 surface, fabric, device, name, identification, image description display or illustration using graphics, symbols or written copy, which is affixed to, painted or represented directly or indirectly upon a building, structure, window or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business for the purpose of advertising or to convey information which is exposed to public view. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.

"Sign" shall not be construed to mean any sign in the interior of any structure, unless visible from outside the structure.

Snipe sign: A sign of any material which is attached in any fashion to a utility pole, tree, or object other than the building.

Specimen tree: A tree that has been officially designated by the Town Commission, upon the advice of the Town Planner, to be of high value because of its type, size, age, or other relevant criteria. A public hearing on the designation shall be held by the Town Commission with due notice to the owner of the tree.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including publicly owned or controlled streets and permanent easements of record for ingress and egress which pass with the land. Street includes lanes, ways, or other means of ingress and egress regardless of the descriptive term used.

Street right-of-way: The dividing line between a lot, tract or parcel of land and a contiguous street.

Structure: Includes all permanent, fixed construction comprising buildings, stands, signs and billboards erected independently or affixed to exterior walls; provided, however, that utility lines and poles shall not be considered structures for the purpose of this Ordinance.

Subdivision: The platting of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units or any other division of land, and includes establishment of new streets and alleys, additions, and re-subdivisions; and when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

Swimming pool: Any constructed pool over twenty-four (24) inches in depth or with a surface area exceeding two hundred fifty (250) square feet used for swimming or bathing shall be considered as a structure.

Temporary sign: Any sign located on a parcel of real property located in the incorporated area of the Town of Oakland for a limited duration or for a specialized purpose.

Total copy area: The cumulative square footage of all on-site signs. Town: Town of Oakland, Florida.

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.

Townhouse building: Three (3) or more townhouse units which are designed and constructed as a single unit. No more than nine (9) units may be provided in a single building.

Townhouse unit: A self-contained dwelling which is constructed so that the unit and the lot on which it is located may be individually owned. Townhouse units are separated by an approved fire wall and are designed to provide privacy. The term "townhouse" shall include the term "rowhouse".
**Townhouse project**: A housing complex containing one or more townhouse buildings, each of which contains three or more townhouse units. Parking lots, driveways, walkways, and accessory recreation areas may be located in areas retained in common ownership which are owned jointly by all owners of townhouse units.

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

**Trade use**: a business or occupation requiring specialized training in a manual or mechanical skill including, but not limited to, carpentry, plumbing, sheet metal, electrical, auto body repair, heating, ventilation and air conditioning, furniture upholstery and precision machinery. A trade use also includes small custom industry, where goods are produced or repaired by hand, using hand tools or small-scale equipment.

**Trailer**: A non-self-propelled vehicle designed to be pulled by a motor vehicle along ordinary highways.

a. **Dependent trailer**: A trailer having sleeping and usually kitchen facilities only, and which is dependent upon a service building for toilet and lavatory facilities.

b. **Self-contained trailer**: A trailer which can operate for short periods of time independent of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

c. **Travel trailer**: A travel trailer is a vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation or vacation purposes, having body width not exceeding eight (8) feet and being of any length, provided its gross weight does not exceed four thousand five hundred (4,500) pounds or being of any weight provided its body length does not exceed twenty-nine (29) feet.

d. **Pickup coach**: A pickup coach is a structure designed to be mounted on a truck chassis for use as temporary dwelling for travel, recreation or vacation purposes.

e. **Motor home**: A motor home is a portable, temporary dwelling to be used for travel, recreation or vacation purposes, constructed as an integral part of a self-propelled vehicle.

f. **Camping trailer**: A camping trailer is a canvas, folding structure, mounted on wheels and designed as a temporary dwelling during travel, recreation outings or vacations.

**Trailers**: See "Mobile Homes".

**Tree protection zone**: A circular zone around each protected tree defined as follows:

a. If the drip line is less than six (6) feet from the trunk of the tree, the zone shall be that area within a radius of six (6) feet around the tree.

b. If the drip line is more than six (6) feet from the trunk of the tree, but less than twenty (20) feet, the zone shall be that area within a radius of the full drip line around the tree.

c. If the drip line is twenty (20) feet or more from the trunk of the tree, the zone shall be that area within a radius of twenty (20) feet around the tree.

**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.

**Under-canopy sign**: A sign suspended beneath a canopy, ceiling, roof or marquee.

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

**Variance:** A relaxation of the terms of the Zoning Code when such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the code would result in unnecessary and undue hardship. A variance is authorized only for height, area, size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

**Vegetative screen:** A landscaped area not less than ten (10) feet in width, consisting of at least one row of decorative or ornamental trees, shrubs and other landscaping materials suited to the climate and soils of Oakland, Florida, designed and placed in a manner rendering such visual screen at least eighty (80) per cent opaque from the ground to not less than four (4) feet in height within a period of five (5) years after such screen is provided.

**Vehicle storage facility:** a facility, which may include secured indoor or outdoor areas, intended for the short or long term storage of automobiles, light trucks, motorcycles, recreational vehicles, boats, camper trailers, commercial vehicles and commercial trailers; either in conjunction with a business not located on the site, or for compensation.

**Visual screen:** A structure or device, maintained in sound and attractive condition at all times, put in place for the purpose of concealing from public view those areas so screened.

   a. **Visual screen, decorative wall:** A continuous, non-perforated wall not less than four (4) nor more than six (6) feet in height, designed and maintained as a decorative device, constructed- of masonry or other appropriate materials, except corrugated metal, with a life expectancy of not less than ten (10) years.

   b. **Visual screen, vegetative or landscaped:** A landscaped area not less than ten (10) feet in width, consisting of at least one row of decorative or ornamental trees, shrubs and other landscaping materials suited to the climate and soils of Oakland, Florida, designed and placed in a manner rendering such visual screen at least eighty (80) per cent opaque from the ground to not less than four (4) feet in height within a period of five (5) years after such screen is provided.

**Wall sign:** Any sign painted on or attached to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building.

**Window sign:** Any sign on or inside a window or window frame which is intended to be seen from the exterior of a building.

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

**Yard, front:** A yard extending across the front of a lot between the side lot lines, and being a minimum horizontal distance between the street line and the principal building or any projections thereof other than
the projections of uncovered steps, uncovered balconies, or uncovered porches. On corner lots, the front yard shall be considered as abutting the street upon which the lot has its least dimension.

Yard, Rear: A yard extending across the rear of a lot between the side lot lines, and being a minimum horizontal distance between the rear of the principal building or any projections thereof other than the projections of uncovered steps, uncovered balconies, or uncovered porches, and the rear lot line. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.

Yard, Side: A yard between the main building and the side line of the lot, and extending from the front yard to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings) or any projections thereof.

Yard, Street Side: All the property on the longer dimension of a lot abutting two or more intersecting streets.

ARTICLE III. ESTABLISHMENT OF DISTRICTS, DISTRICT BOUNDARIES ON ZONING MAP AND RESTRICTIONS UPON LAND, WATER, BUILDINGS AND STRUCTURES

Section 3.1 Establishment of Districts.

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 District
- R-1-A Single Family Residential District
- R-1 Single Family Residential District
- R-2 Duplexes
- R-N-C Residential and Neighborhood Commercial
- C-1 Commercial General
- C-2 Commercial Restricted
- I-1 Industrial General
- I-2 Industrial Restricted
- GCO Gateway Corridor Overlay

Section 3.2 District Boundaries.

The boundaries of the various districts (excluding the GCO district in the Town of Oakland, Florida are shown on a map in the Office of the Oakland Town Clerk, entitled "Official Zoning Map", which is made a part of this Ordinance. The GCO district boundaries are as stated in the most recently amended ordinance governing the GCO.

The 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.

Section 3.3 Rules for Interpretation of 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:

1. 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.

2. 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. If no distance is indicated specifically on the Zoning Map, the scale of the map shall determine.

(3) 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.

(4) Where district boundaries are indicated as approximately following platted lot lines, such lot lines shall be construed to be the district boundaries.

(5) Where district boundaries are indicated by specific dimensions, these shall control.

(6) Where district boundaries divide platted lots or cross unsubdivided property, and where no specific dimensions are indicated on the Official Zoning Map, the scale of the Official Zoning Map shall control.

(7) 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, the Town Commission shall interpret the Map to fix the exact location of the zoning district boundaries.

ARTICLE IV. APPLICATION OF REGULATIONS

Section 4.1 Uniformity.
The regulations set forth herein shall apply uniformly to each class or kind of structure or land except as hereinafter provided.

Section 4.2 Uses.
No building, structure, land or water shall hereafter be used or occupied and no building or structure or part thereof shall be erected and no existing building shall be moved, altered, added to, or enlarged, nor shall any land, building, structure or premises be used or designed to be used for any purpose or in any manner other than a use designated in this Ordinance, or amendments thereto, as permitted in the district in which such land, building, structure or premises is/are located, without obtaining the necessary land use and/or building permits.

Section 4.3 Height.
No structure or building shall be erected, nor shall any existing building be moved, reconditioned or structurally altered so as to exceed in height the limit established in this Ordinance, or amendments thereto, for the district in which such building or structure is located.

Section 4.4 Site Requirements.
No building or structure shall be erected nor shall any existing building or structure be moved, altered, enlarged or rebuilt, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, in size or area, except in conformity with the building site requirements, and the area and parking space and yard regulations established by this Ordinance, or amendments thereto, for the district in which such building or structure is located.

Section 4.5 Required Lot and Occupancy.
Every building or structure hereafter erected shall be located on a lot or tract as defined herein, and in no case shall there be more than one principal building or use on one (1) lot except as hereinafter provided.

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Section 5.1 Planning and Zoning Board.

A Planning and Zoning 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, except for the five (5) members first appointed, one shall be appointed for one year, two (2) shall be appointed for two (2) years, and two (2) shall be appointed for three (3) years. A member of the administrative staff shall be secretary of the Board.

1. Organization and members. The members of the Planning and Zoning Board shall elect one of its members to serve as Chairman. The term of the Chairman named by the Board shall be for a period of one year; provided, however, nothing shall prevent the Board from naming a Chairman to succeed himself. Each member of the Board must be a resident of the Town of Oakland. 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 Commission for the unexpired term of the member affected. Members of the Planning and Zoning Board shall receive no salaries or fees, but may receive necessary travel, per diem, and other expenses while on official business for the Town.

2. Meetings and records. The Planning and Zoning Board shall hold regular meetings at such time as the Board may determine or at the call of the Chairman for the consideration of business before the Board. All regular and special meetings of the 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 Board. Three (3) members of the 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 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.

3. Authority and duties of the Planning and Zoning Board. The Planning and Zoning Board shall have the following authority and duties:

(a) 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.

(b) Recommend to the Town Commission such amendments to this Ordinance as the Board may deem proper and expedient or necessary to clarify or to carry into effect the purposes thereof.

(c) Hear applications and submit recommendations to the Town Commission on the following:

(i) Proposed amendments to the Zoning Code including the Official Zoning Map.
Proposed subdivision plans.

Proposed planned unit developments (PUDs)

In connection with any recommendation by the Planning and Zoning Board of a change in zoning, the Board shall include any conditions, requirements of limitations to be attached to the use which the 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.

Special Exceptions. To hear and recommend action to the Town Commission on such special exceptions as the Planning and Zoning Board is specifically authorized to act under the terms of this Zoning Code. In providing said recommendations, the Planning and Zoning Board may recommend appropriate conditions and safeguards deemed necessary to protect the public interest.

The Planning and Zoning Board may also recommend a reasonable time limit within which the action for which the special exception is required shall be begun or completed or both.

Section 5.2 Zoning Amendment and Changes.

Regulations, restrictions, boundaries and other provisions of this Zoning Code may, from time to time, be amended, supplemented, changed or repealed in the manner herein stated.

1. Amendments to the Zoning Code or to the Official Zoning Map may be initiated by the:

   (a) Oakland Town Commission.

   (b) Oakland Planning and Zoning Board.

   (c) Verified petition of the owner or owners of the property affected by such amendment to the Zoning Map; provided no petition shall be filed by such owner or owners affecting property which has been involved in a petition before the Oakland Planning and Zoning Board within the preceding twelve (12) month period. The petitioner(s) shall assume the cost of public notice, administrative review fees, application fees as adopted by resolution of the Town Commission and other costs pertaining to public hearings.

2. All proposed amendments to the textual provisions of this Zoning Code or to the Official Zoning Map shall be submitted to the Town Administrator on forms prescribed for the purpose of submitting such amendment for study, public hearing and recommendation. The Town Administrator shall place the proposed amendment on the agenda of the Oakland Planning and Zoning Board and shall take all steps necessary for the Planning and Zoning Board to hold a public hearing on the proposed amendment.

3. No recommendation for change or amendment shall be considered by the Planning and Zoning Board until due notice has been given of a public hearing. In case of an amendment to the textual provisions of this Zoning Code, due notice of the hearing shall be given at least ten (10) days in advance of the hearing by one publication in a newspaper of regular and general circulation in Orange County. In cases affecting ten (10) or less contiguous parcels of land, additional written notice shall be mailed to the current address of each property owner involved, as shown on the records of the Orange County Property Appraiser and to owners of property within five hundred (500) feet of the parcel or parcels proposed to be rezoned.
4. After the public hearing, the Planning and Zoning Board shall transmit a written report of its findings and its recommendations to the Town Commission within forty-five (45) days from the date of such public hearing.

5. The Town Commission shall act upon the recommendation at the first regular meeting following the receipt of the report from the Planning and Zoning Board.

6. Should the Planning and Zoning Board fail to make its report and recommendation within the time limits prescribed, the Town Commission may take such action upon the proposed change or amendment as it deems advisable, based upon the facts available to it.

7. No proposal for a zoning change or amendment affecting particular property or properties shall contain conditions, limitations, or requirements not applicable to all other property in the district to which the particular property is proposed to be rezoned.

8. Nothing provided in this section shall affect the procedure required by law relating to the public hearing and the publication of notice thereof for any change or amendment to this Zoning Code.

Section 5.3 Form of Application.

The verified petition of the owner for a change or amendment to the Official Zoning Map shall include the applicable fee, the legal description of the property involved prepared by a Florida registered land surveyor and accompanied by a map of the property at a scale of one inch (1") equals two hundred (200) feet, or such other scale as may be required by the Town Planner.

Section 5.4 Town Planner.

The Town Planner under the supervision of the Town Administrator shall administer and enforce this ordinance. He may be provided with assistance from such other officers and employees of the Town as may be necessary to enforce the provisions of this ordinance. If the Town Planner finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

Section 5.5 Zoning of Newly Annexed Lands.

Any person, or persons, jointly or severally, aggrieved by any decision of the Board of Zoning Adjustment and Appeals may, within thirty (30) days after the filing of any decision in the office of the Town Clerk, but not thereafter, apply to the circuit courts for relief.

An appeal to the circuit court shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the circuit court after the notice of appeal shall have been filed with him/her that by reason of acts stated in the certificate, a stay would in his/her opinion cause imminent peril to lives or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record on application, on notice to the Board from which the appeal is taken, and on due cause shown.

Review in the circuit court shall be either by a trial de novo, or by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules. The election of remedies shall lie with the appellant.

Section 5.6 Board of Zoning Adjustment and Appeals.
1. Organization and members. A Board of Zoning Adjustment and Appeals shall be established consisting of five (5) members appointed by a majority of the Oakland Town Commission. No member of the Board shall be a paid or elected official of the Town of Oakland; and all members shall be residents of the Town of Oakland, Florida, serving on this Board without compensation. Members of the Board may be removed from office by the affirmative vote of the Town Commission for cause.

The first members of the Board shall be appointed to the following terms: Two (2) members for terms of one (1) year each; three (3) members for terms of two (2) years each. Upon expiration of these terms, and thereafter, members shall be appointed for terms of two (2) years.

Regular meetings of the Board shall be held once a month on an established day, selected by majority vote of the Board, as feasible for the expeditious conduct of Board matters. The Chairperson or his/her designate shall notify Board members at least one day in advance of any scheduled meeting or special meeting. The established day shall be the regular meeting day, month to month.

The Board shall elect a Chairperson, Vice Chairperson and a Secretary and shall adopt rules for the transaction of its business. The Board shall record all official actions, which shall be of public record, and shall be filed in the office of the Oakland Town Clerk.

2. Powers and duties. The Board of Zoning Adjustment and Appeals shall have the following powers and duties:

(a) Administrative decisions. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Zoning Code or amendments thereto.

The concurring vote of a majority of all the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the Board is required to act.

(b) Variances. To authorize upon appeal such variance from the terms of the Zoning Code as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the Code would result in unnecessary and undue hardship. In order to authorize any variance from the terms of the Code, the Board of Zoning Adjustment and Appeals must find:

(i) 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;

(ii) That the special conditions and circumstances do not result from the actions of the applicant;

(iii) 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;

(iv) 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;

(v) That the variance granted is the minimum variance that will make possible the
reasonable use of the land, building or structure;

(vi) 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.

In granting any variance, the Board of Zoning Adjustment and Appeals may prescribe appropriate conditions and safeguards, and 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 Board of Zoning Adjustment and Appeals may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.

Under no circumstances shall the Board of Zoning Adjustment and Appeals 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.

Section 5.7 Appeals to the Board of Zoning Adjustment and Appeals.

Appeals to the Board of Zoning Adjustment and Appeals may be taken by any person aggrieved or by any officer, board, or commission of the governing body affected by any decision of an administrative official under any zoning ordinance enacted. Such appeal shall be taken within thirty (30) days after rendition of the order, requirement, decision, or determination appealed from by filing with the officer from whom the appeal is taken and with the Board of Zoning Adjustment and Appeals a notice of appeal specifying the grounds thereof. The appeal shall be in the form prescribed by the rules of the Board. The administrative official from whom the appeal is taken, upon notification of the filing of the appeal, shall forthwith transmit to the Board of Zoning Adjustment and Appeals all the documents, plan, papers, or other materials constituting the record upon which the action appealed from was taken.

Any appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Zoning Adjustment and Appeals after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Adjustment and Appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

Section 5.8 Board of Zoning Adjustment and Appeals, Public Hearing of Appeals.

All official actions of the Board of Zoning Adjustment and Appeals shall be taken at a public hearing. The Board of Zoning Adjustment and Appeals shall hold a public hearing on all appeals within forty-five (45) days of the date of the appeal and decide same within a reasonable period of time. Due public notice shall be given. For procedural purposes, an application for special exception or variance shall be handled by the Board of Zoning Adjustment and Appeals in the same manner as an appeal from an administrative decision.

Section 5.9 Appeals from the Board of Zoning Adjustment and Appeals.

Any person, or persons, jointly or severally, aggrieved by any decision of the Board of Zoning Adjustment and Appeals may, within thirty (30) days after the filing of any decision in the office of the Town Clerk, but
not thereafter, apply to the courts or the Town Commission for relief.

An appeal to the Town Commission shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Town Commission after the notice of appeal shall have been filed with him that by reason of acts stated in the certificate, a stay would in his opinion cause imminent peril to lives or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Town Commission or by a court of record on application, on notice to the Board from which the appeal is taken, and on due cause shown. The Town Commission shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appeal.

An appeal may be made to the circuit court in the judicial circuit where the Board of Zoning Adjustment and Appeals is located for judicial relief within thirty (30) days after rendition of the decision by the Board of Zoning Adjustment and Appeals or the Town Commission. Review in the circuit court shall be either by a trial de novo, which shall be governed by the Florida Rules of Civil Procedure, or by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules. The election of remedies shall lie with the appellant.

Section 5.10 Due Public Notice.

"Due public notice" as used in connection with the phrase "public hearing" or "hearings with due public notice" involves the following requirements: At least fifteen (15) days' notice of the time and place of such hearing required under this ordinance shall be published one time in a newspaper of general circulation in the area; provided, however, that if the hearing applies to a single lot, parcel, or tract of land rather than to all of the lands within a planning area or governmental subunit, such notice shall also be posted in a conspicuous place on such lot, parcel or tract of land. The notice shall state the time and place of the hearing, or the times and places of the hearings and the nature of the matter to be discussed. A notice shall also be mailed to all property owners within three hundred (300) feet of the affected parcel. Such notice shall include the time and place of the hearing, the nature of the matter to be discussed and must state that written comments filed with an appropriate designated official will be considered and that persons appearing will be heard orally and may state that the hearings will be continued from time to time as may be found necessary. Affidavit proof of the required publications shall be presented at the hearing.

Section 5.11 Fees.

The Town Commission may from time to time establish by resolution such fee schedules as said Commission shall deem equitable and necessary to effectuate the intent and policy of this Zoning Code, provided, however, that said fee schedule shall bear a reasonable relationship to the services provided or costs actually incurred in the administration of these regulations.
ARTICLE VI. GENERAL PROVISIONS

Section 6.1 Nonconforming uses.

It is the intent of this section that the lawful use of any building, structure, or land existing at the time of adoption of this ordinance may be continued although such use does not conform with the provisions of this ordinance, provided the following conditions are met:

1. Unsafe structures or buildings. Any structure or building or portion thereof declared unsafe may be restored to a safe condition.

2. Construction approved prior to ordinance. Nothing herein shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently carried on within six (6) months of the date of such permit.

3. Alteration. A nonconforming building may be maintained and repairs and alterations may be made, except that in a building which is nonconforming as to use regulations, no structural alterations shall be made except those required by law. Repairs such as plumbing or the changing of partitions or other interior alterations are permitted.

4. Expansion. Buildings, structures onuses of land which are nonconforming shall not be extended or enlarged; provided, however, that any nonconforming use may be extended if such extension will make such use conform with current regulations for the district in which it is located.

5. Abandonment. When a nonconforming use of land or building has been discontinued for three hundred sixty-five (365) days or more, its future use shall revert to the uses permitted in the district in which said land is located.

6. Change to another use. A nonconforming use now cannot be changed to another nonconforming use unless it is approved by the Board of Zoning Adjustment and Appeals after a public hearing and subject to the following conditions:
   (i) The new nonconforming use is a permitted use in a more restrictive zoning classification.
   (ii) The new nonconforming use would improve the character of the immediate neighborhood.

7. Restoration. A nonconforming building or structure which is hereafter damaged or destroyed to the extent of fifty (50) percent or more of its assessed value by flood, fire, explosion, earthquake, war, riot, or act of God, may not be reconstructed or restored for use except in compliance with the regulations of this ordinance.

8. Nonconforming lots of record. A lot of record platted on or before March 3, 1981 may be used as permitted in the zoning district provided the use meets all the lot setbacks and square footage requirements for living area.

Section 6.2 Substandard Lots of Record.

1. Residential districts. In any district in which single family dwellings are authorized, a single family dwelling and customary accessory buildings may be erected on any separate lot of record when in accordance with ALL of the following provisions:
   (a) Development Standards. The lot may be used for a single family dwelling even though it fails to meet the standards specified by the district in which it is located for lot area or lot
width, or both; however, all other specified standards (such as required setbacks, maximum building heights and coverage, or minimum living space and off-street parking area) must be met unless a variance from such requirements is obtained from the Board of Zoning Adjustments and Appeals.

(b) Minimum Size. The lot must be a separate lot of record larger than five thousand (5,000) square feet in area, and more than fifty (50) feet in width. Permits shall not be issued for lots or parcels less than this minimum area and/or width without authorization from the Board. The Board may authorize a permit only after it has determined that utilization of such lot or parcel will not create conditions detrimental to the public health, safety or general welfare.

2. Commercial districts. A separate lot of record which fails to meet the standards specified by the district in which it is located for lot area, lot width, or both may be utilized for the purposes authorized by the commercial district in which it is located, provided that any requests for use of such lots shall be administered as special exception uses.

3. Property ownership and prior recording. To be eligible for the provisions contained in this section, nonconforming lots or parcels must be in separate ownership (not of continuous frontage with other lots in the same ownership) and must have been recorded prior to March 3, 1981. If two or more lots or combinations of lots with contiguous frontage are owned by one person or entity of record and, if all or part of the lots do not meet the standards specified for lot width and lot area, the land involved shall be considered to be an undivided parcel for the purposes of this regulation, and no portion of such a parcel shall be used in a manner which diminishes compliance with lot width and area requirements established by the Zoning Code, nor shall any division of any parcel or lot be made which creates a lot with width or area below the requirements stated by the Zoning Code.

Section 6.3 Prohibited Land Use Activities.

1. Tractor trailers parked overnight on streets or on private property within the town limits of the Town of Oakland.

2. Trucks with greater than 1 ton capacity parked overnight on streets or on private property that is residentially zoned; or on private property that is commercially zoned where the parking area is not screened from view of the right-of-way.

Section 6.4 Walls, Fences and Entry Gates

1. Building Permit Required: No fence or wall shall be erected until a permit has been issued. All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the dimensional and use regulations in this section. The cost of a wall, fence or entry gate permit shall be $25.00.

2. Gateway Corridor Overlay District: The Gateway Corridor Overlay District design standards shall take precedent over these requirements if a conflict exists.

3. Residential: All fences and walls within residential zoning districts including R-NC 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.
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.

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.

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 and must maintain public safety requirements per section 6.4.7 of this Code. Waivers to this standard may be granted through the site plan review process or the Board of Zoning Appeals. 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.

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. Materials and Design

(1) Orientation: Construction of fences shall always place the finished side out toward adjacent properties or streets.

(2) 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): 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) Stone
(f) 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 Planning Director. All masonry walls shall have a finished top or cap block.

(3) 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.

c. Hobby Farms
All fences constructed within the front, rear, street side or side setback area of a Hobby Farm shall be limited to 8 feet in height. Allowable fence materials include those materials otherwise allowed by this Code within residential zoning districts and metal wire. Vinyl coated chain link shall be preferred over metal wire fencing. Barbed or razor wire and electric fences shall not be allowed. Electric fences may be utilized within the main perimeter fence at a height of 4 ft. and setback at least 5 ft from the main fence to maintain separation of animals from the main fence. Buffering from residential uses may be required including type of fence material and landscaping.

4. Non-residential
a. Height: No fence or wall shall exceed eight (8) 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 Planning Director. Pillars, posts and entry features may be 8 foot in height.

b. Materials and Design
   (1) Orientation: Construction of fences shall always place the finished side out toward adjacent properties or streets.
   (2) 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 Planning Director.
      (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 Planning Director. All masonry walls shall have a finished top or cap block.
   (3) Prohibited
      (a) Electric
      (b) Slats in chain link

5. Temporary Construction Fences: A temporary fence not exceeding 8 feet in height may be erected during construction in any district. Such fence shall be removed prior to any Certificate of Occupancy approval. Landscaping shall not be required.
6. **Maintenance:** Walls and fences erected or placed in all zoning districts shall be maintained in good repair and sound structural condition. Missing boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality. No permit is required for general maintenance.

7. **Public Safety:**
   
a. No fence shall be permitted or constructed which will negatively affect:
      
      (1) **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.
      
      (2) **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.

b. **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.
   
   (1) **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.
   
   (2) **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.
   
   (3) **Gate design standards.**
      
      (a) 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.
      
      (b) 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.
      
      (c) 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.

(6) Existing gated communities and businesses. Gated communities and businesses existing as of the effective date of this ordinance or annexed into the Town of Oakland, shall, at a minimum, comply with the provisions of this subsection within eighteen (18) months of the effective date of this article or annexation into the Town, and unless in full compliance with the provisions of this section, shall be required to have the gate open during daytime hours unless physically and continuously manned by designated security personnel during said hours. Notwithstanding anything herein to the contrary, the Oakland Chief of Police, Orange County Fire Rescue or Oakland Town Manager may require an existing emergency vehicle access system to be updated, modified, or replaced in light of changes in technology, policy, or change in equipment used by the Oakland Police Department or Orange County Fire Rescue. In the event such change is requested, the change must be made within the time specified, and, if necessary for the health, safety, and welfare, the Oakland Chief of Police or Orange County Fire Rescue may require such gates to remain in an open position until such changes are affected and approved.

8. 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.

Section 6.5 Swimming Pools.

Swimming pools may be permitted in any residential zone provided that the water’s edge of the swimming or wading pool 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.

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.

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 6.6 Bed and Breakfast Establishments

Application may be made to the Town of Oakland for a “Bed and Breakfast” establishment as a Special
Exception in the R-1, R-1A and RNC zoning districts only. Such applications are subject to the regular Special Exception process, and shall conform to the following:

1. **AREA.** The maximum number of rooms for guests shall be as follows:

<table>
<thead>
<tr>
<th>Building Size (Gross floor Area)</th>
<th>Max. Guest Rooms</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,200-1,800 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>1,801-2,400 sq. ft.</td>
<td>2</td>
</tr>
<tr>
<td>2,401-3,000 sq. ft.</td>
<td>3</td>
</tr>
<tr>
<td>3,001-3,600 sq. ft.</td>
<td>4</td>
</tr>
<tr>
<td>over 3,600 sq. ft.</td>
<td>5</td>
</tr>
</tbody>
</table>

2. **LENGTH OF VISIT.** Rentals will be on a transient basis in compliance with Chapter 509, *Florida Statutes*.

3. **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.

4. **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.

5. **CODES, PERMITS, AND LICENSES.**
   a. All guestrooms shall have smoke detectors and fire extinguishers in accordance with State Fire Marshall codes.
   b. Septic tank usage must be permitted through Orange County Health Department.
   c. All bed and breakfast facilities are required to be licensed by the Town, County and State and meet all applicable codes, ordinances, and statutes.
   d. 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.
   e. 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.

6. **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.

7. **RESIDENTIAL CHARACTER.** Structures receiving bed and breakfast approval must maintain their residential character. Additionally, there must not be an adverse impact on adjacent residential properties as a result of activities associated with the bed and breakfast.
8. **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.

### Section 6.7 Accessory Structures, Decks and Pool Aprons

A. Bulk requirements for accessory structures (sheds, detached garages) are:

<table>
<thead>
<tr>
<th></th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front yard / side street setback (minimum)</strong></td>
<td>Prohibited between building line of principal structure and public right-of-way.</td>
</tr>
<tr>
<td><strong>Side yard setback (minimum)</strong></td>
<td>5’ from property line, outside of any easements</td>
</tr>
<tr>
<td><strong>Rear yard setback (minimum)</strong></td>
<td>5’ from property line, outside of any easements</td>
</tr>
<tr>
<td><strong>Host structure setback (minimum)</strong></td>
<td>10’ from principal structure</td>
</tr>
<tr>
<td><strong>Building height (maximum)</strong></td>
<td>15’</td>
</tr>
</tbody>
</table>

The cumulative GFA of all accessory structures on the site may be ≤25% of the yard in which they are located, up to 500 sq. ft.

B. Bulk requirements for decks and pool aprons are:

<table>
<thead>
<tr>
<th></th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open deck &gt;5’ above grade</td>
<td>≤5’ encroachment into rear setback, but outside of any easements, if area underneath is left unscreened/unenclosed</td>
</tr>
<tr>
<td>Open deck ≤5’ above grade, pool apron</td>
<td>May encroach into rear and side setback, ≥5’ from property line, but outside of any easements</td>
</tr>
</tbody>
</table>

C. 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.

D. Accessory structures larger than 150 sq. ft. must be designed so they are architecturally integrated with the host structure. This includes building materials, architectural elements, color, roof pitch and roofing materials.

E. Tree houses will be considered on a case-by-case basis by the Planning Director. Planning Director denial of a proposed tree house may be appealed to the Board of Adjustment.

F. 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.

G. Building permitting and setback requirements do not apply to accessory structures ≤20 sq. ft., such as playhouses and dog houses.

H. No accessory structure shall be constructed upon a lot until the construction of the principal structure has commenced; and

I. No accessory structure shall be used unless the principal building on the lot is being occupied for the intended purpose.

J. Accessory structures shall be located on the same building site as the associated principal use.
ARTICLE VII. A-1, AGRICULTURAL DISTRICT

Section 7.1 Intent of District.
The 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.

Section 7.2 Permitted Uses.
1. Single family or tenant dwellings of R-1A specifications with their customary accessory structures and uses, including, barns, garages and sheds if the design of such accessory structures is in keeping with the architectural style of the primary dwelling. The maximum density shall be one (1) dwelling unit for each five (5) acres of land, provided such dwellings are accessory to the principal use of the land.
2. Citrus and other fruit crops in cultivation and production.
3. Plant nurseries and greenhouses.
4. Sale of products and commodities which are produced on the premises, in accordance with the current occupational license, providing structures for each activity are set back at least twenty-five (25) feet from any front or side property line.
5. Truck farms that are a minimum of twenty-five (25) acres in size.
6. Signs located, erected and maintained pursuant to the regulations herein specified.
7. Poultry raising when limited to one hundred (100) birds or less per five (5) acres of land area.
8. Beekeeping.
9. Raising of cows and horses, provided, the total number of animals or livestock shall not exceed one (1) animal per acre of fenced land area.

Section 7.3 Special Exceptions.
All other uses of a similar and compatible nature are special exceptions in the A-1 District provided that any review and hearing of an application for a special exception shall consider the character of the area in which the proposed use is to be located and its effect on the value of surrounding lands, and furthermore, the use of the site as it particularly relates to the required open spaces and off-street parking facilities.

Section 7.4 Site Plan Approval Required.
Each application for a land use and building permit shall be accompanied with a site plan incorporating the regulations established herein and a current certified survey. The site plan shall be drawn to scale indicating property lines, rights-of-way, and the location of buildings, parking areas, curb cuts, driveways, and landscaping. Said site plan shall be submitted to and approved by the Town Commission prior to the granting of a land use and building permit. Upon such approval, said site plan becomes part of the land use and building permit and may be amended only by authority and directive of the Town Commission.
Section 7.5 Building, Site and Area Requirements.

<table>
<thead>
<tr>
<th></th>
<th>Requirement</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Minimum Living Area</td>
<td>1,100 sq. ft.</td>
</tr>
<tr>
<td>2</td>
<td>Maximum Residential Building Size</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>3</td>
<td>Minimum Lot Size</td>
<td>5 acres</td>
</tr>
<tr>
<td>4</td>
<td>Minimum Lot Width</td>
<td>NA</td>
</tr>
<tr>
<td>5</td>
<td>Setbacks:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) Front</td>
<td>50 feet</td>
</tr>
<tr>
<td></td>
<td>b) Street Side Yard</td>
<td>20 feet</td>
</tr>
<tr>
<td></td>
<td>c) Side Yard</td>
<td>15 feet</td>
</tr>
<tr>
<td></td>
<td>d) Rear</td>
<td>25 ft.</td>
</tr>
<tr>
<td></td>
<td>d) Setback from Lakes</td>
<td>50 feet</td>
</tr>
<tr>
<td>6</td>
<td>Maximum Height of Structures, Buildings, Dwellings</td>
<td>35 feet</td>
</tr>
<tr>
<td>7</td>
<td>Impervious Surface Ratio</td>
<td>Appropriate to building size</td>
</tr>
<tr>
<td>8</td>
<td>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. Rear yards shall be a minimum of ten (10) feet for detached accessory buildings</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

Section 7.6 Parking Regulations.

For off-street parking requirements, see Article XVIII.

Section 7.7 Sign Regulations.

For applicable sign regulations, see Article XVI.

ARTICLE VIII. R-1A, SINGLE FAMILY RESIDENTIAL DISTRICT

Section 8.1 Intent of District.

The provisions of the R-1A District are 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.

Section 8.2 Permitted Uses.

1. Single family dwellings and their customary accessory uses as per Section 6.8.
2. Boat houses and boat docks as accessory uses, providing the roof of said boat house does not exceed eight (8) feet above the high water line.

Section 8.3 Special Exceptions.
1. Schools (public, parochial and private) with conventional academic curriculums.
2. Stadiums for school activities, provided seating capacity does not exceed student enrollment plus ten (10) percent.
3. Churches, with attendant educational buildings or recreational facilities.
4. Parks, recreational areas owned and operated by non-profit organizations.
5. Guest cottages.
6. Public utility and service structures.
7. Golf courses and tennis clubs with customary clubhouse and accessory buildings.
8. Cottage industries/home occupations.
9. Bed and Breakfast Establishments
10. Hobby Farms, provided all animals are 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 for this use, with a maximum number of animals not to exceed 1 animal per acre. The Town Commission may impose additional restrictions as a condition of approval to ensure compatibility with adjacent uses including noise, odor, dust, runoff, unauthorized access, escape, environmental, health and safety and emergency preparedness. Class I animals shall not be permitted. Class II animals such as ostriches, emus and other flightless birds shall be allowed. Other Class II animals may be considered on a case-by-case basis as part of the special exception process, but under no circumstance shall predatory animals be considered, such as but not limited to wolves and cats. Class III animals shall be allowed. Appropriate buffering or fencing from residential uses may be required including type of fence material and landscaping.

Section 8.4 Prohibited Uses and Structures.
1. Mobile homes and mobile home parks.
2. Campgrounds.
3. Manufacturing, industrial or warehousing facilities.
5. Used car lots.
6. Animal kennels.
7. Junk yards.
8. Freight or cargo transportation terminals.
9. Similar uses and activities.
10. Section 8.5 Site Plan Approval Required.

Each application for a Building Permit shall be accompanied by a site plan incorporating the regulations established herein. This plan shall be drawn to scale, indicating property lines, rights-of-way, and the location of all buildings, parking areas, curb cuts and driveways. Two (2) copies of the site plan shall be submitted to the Town Clerk with the application. One (1) copy of the Plan becomes part of the official land use and building permit record of the Town of Oakland and may be amended only by authority and
directive of the Planning and Zoning Board

Section 8.5 Site Plan Approval Required

Each application for a Building Permit shall be accompanied by a site plan incorporating the regulations established herein. This plan shall be drawn to scale, indicating property lines, rights-of-way, and the location of all buildings, parking areas, curb cuts and driveways. Two (2) copies of the site plan shall be submitted to the Town Clerk with the application. One (1) copy of the Plan becomes part of the official land use and building permit record of the Town of Oakland and may be amended only by the authority and directive of the Town Commission.

Section 8.6 Building and Site. Area Requirements.

<table>
<thead>
<tr>
<th></th>
<th>Minimum Living Area</th>
<th>1,200 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Minimum Lot Size</td>
<td>12,500 sq. ft. in area</td>
</tr>
<tr>
<td>3</td>
<td>Minimum Lot Width</td>
<td>100 feet</td>
</tr>
<tr>
<td>4</td>
<td>Setbacks:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) Front</td>
<td>25 feet</td>
</tr>
<tr>
<td></td>
<td>b) Side Street</td>
<td>25 feet</td>
</tr>
<tr>
<td></td>
<td>c) Rear</td>
<td>20% of lot depth, or 25 ft., whichever is less.</td>
</tr>
<tr>
<td></td>
<td>d) Inside lot, Side Yard</td>
<td>10 feet minimum</td>
</tr>
<tr>
<td></td>
<td>d) Setback from Lakes</td>
<td>50 feet</td>
</tr>
<tr>
<td>5</td>
<td>Maximum Height of Structures, Buildings, Dwellings</td>
<td>35 feet</td>
</tr>
<tr>
<td>6</td>
<td>Floor Area Ratio*</td>
<td>35%</td>
</tr>
<tr>
<td>7</td>
<td>Impervious Surface Ratio*</td>
<td>65%</td>
</tr>
</tbody>
</table>

* 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.

Section 8.7 Parking Regulations.

For the off-street parking requirements, see ARTICLE XVIII.

ARTICLE IX. R-1, SINGLE FAMILY RESIDENTIAL DISTRICT

Section 9.1 Intent of District.

The provisions of the R-1 District are intended to establish and maintain certain lands, water and structures having a predominately medium density character of development accommodating primarily single family residences and accessory uses as well as certain educational, religious, recreational and other generally compatible, allowable 8.0 dwelling Uses Permitted.

Section 9.2
1. Single family dwellings and their customary accessory uses.
2. Boat houses and boat docks as accessories, providing the roof of said boat house does not exceed eight (8) feet above the high water line.

Section 9.3 Special Exceptions.
1. Schools (public, parochial and private) with conventional academic curriculums.
2. Stadiums, as used for school activities, provided seating capacity does not exceed student enrollment, plus ten (10) percent.
3. Churches with their educational buildings and recreational facilities.
4. Parks, recreational areas owned and operated by non-profit organizations.
5. Guest cottages.
6. Public utility and service structures.
7. Golf courses and tennis clubs with customary clubhouse and accessory buildings.
8. Cottage industries/home occupations.
9. Bed and Breakfast Establishments
10. Hobby Farms, provided all animals are 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 for this use, with a maximum number of animals not to exceed 1 animal per acre. The Town Commission may impose additional restrictions as a condition of approval to ensure compatibility with adjacent uses including noise, odor, dust, runoff, unauthorized access, escape, environmental, health and safety and emergency preparedness. Class I animals shall not be permitted. Class II animals such as ostriches, emus and other flightless birds shall be allowed. Other Class II animals may be considered on a case-by-case basis as part of the special exception process, but under no circumstance shall predatory animals be considered, such as but not limited to wolves and cats. Class III animals shall be allowed. Appropriate buffering or fencing from residential uses may be required including type of fence material and landscaping.

Section 9.4 Prohibited Uses and Structures.
1. Mobile homes and mobile home parks.
2. Campgrounds.
3. Manufacturing, industrial or warehousing facilities.
5. Used car lots.
6. Animal kennels.
7. Junk yards.
8. Freight or cargo transportation terminals.
9. Similar uses and activities.

Section 9.5 Site Plan Approval Required.
Each application for a Building Permit shall be accompanied by a Site Plan incorporating the regulations established herein. This plan shall be drawn to scale, indicating property lines, rights-of-way, and the location of all buildings, parking areas, curb cuts and driveways. Two (2) copies of the plan shall be submitted to the Town Clerk with the application. One (1) copy of the plan becomes part of the official land use and building permit record of the Town of Oakland and may be amended only authority and directive of the Town Commission.

Section 9.6 Building and Site Area Requirements.

<table>
<thead>
<tr>
<th></th>
<th>Minimum Living Area</th>
<th>824 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Minimum Lot Size</td>
<td>7,500 sq. ft. in area</td>
</tr>
<tr>
<td>3</td>
<td>Minimum Lot Width</td>
<td>50 feet</td>
</tr>
<tr>
<td>4</td>
<td>Setbacks:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) Front</td>
<td>25 feet</td>
</tr>
<tr>
<td></td>
<td>b) Side Street</td>
<td>15 feet</td>
</tr>
<tr>
<td></td>
<td>c) Rear</td>
<td>20% of lot depth, or 25 ft., whichever is less.</td>
</tr>
<tr>
<td></td>
<td>d) Inside lot, Side Yard</td>
<td>7 1/2 feet minimum</td>
</tr>
<tr>
<td></td>
<td>e) Setback from Lakes</td>
<td>50 feet</td>
</tr>
<tr>
<td>5</td>
<td>Maximum Height of Structures, Buildings, Dwellings</td>
<td>35 feet</td>
</tr>
<tr>
<td>6</td>
<td>Floor Area Ratio*</td>
<td>35%</td>
</tr>
<tr>
<td>7</td>
<td>Impervious Surface Ratio*</td>
<td>65%</td>
</tr>
</tbody>
</table>

* 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.

Section 9.7 Parking Regulations.

For the off-street parking requirements, see ARTICLE XVIII.

ARTICLE X. R-2, DUPLEX RESIDENTIAL DISTRICT

Section 10.1 Intent of District.

The provisions of the R-2 District are 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.

Section 10.2 Permitted Uses.

1. Duplex houses with accessory uses.
2. Single family dwellings and their customary accessory uses.
3. Boat houses and boat docks as accessory uses, providing the roof of said boat house does not exceed eight (8) feet above the high water line.

Section 10.3 Special Exemptions.

1. Schools (public, parochial and private) with conventional academic curriculums.
2. Stadiums, as used for school activities, provided seating capacity does not exceed student enrollment, plus ten (10) percent.
3. Churches with their educational buildings or recreational facilities.
4. Parks, recreational areas owned and operated by non-profit organizations.
5. Guest cottages.
6. Public utility and service structures.
7. Golf courses and tennis clubs with customary clubhouses and accessory buildings.
8. Cottage industries/home occupations.

Section 10.4 Prohibited Uses and Structures.

1. Mobile homes and mobile home parks.
2. Campgrounds.
3. Manufacturing, industrial or warehousing facilities.
5. Used car lots.
6. Animal kennels.
7. Junk yards.
8. Freight or cargo transportation terminals.
9. Similar uses and activities.

Section 10.5 Site Plan Approval Required.

Each application for a Building Permit shall be accompanied by a site plan incorporating the regulations established herein. This plan shall be drawn to scale, indicating property lines, rights-of-way, and the location of all buildings, parking areas, curb cuts and driveways. Two (2) copies of the site plan shall be submitted to the Town Clerk with the building permit request. One (1) copy of the site plan becomes a part of the official land use and building permit record of the Town of Oakland and may be amended only by authority and directive of the Town Commission.

Section 10.6 Building and Site Area Requirements.

1. Minimum living area 850 square feet each dwelling unit
2. Minimum lot size 12,500 square feet in area
3. Minimum Lot Width 100 feet
4. Setbacks
   (a) Front 25 feet
   (b) Side Street 25 feet
   (c) Rear 20% of lot depth or 25 feet, whichever is less
(d) Inside lot & side yard 10 feet, minimum
(e) Setback from lakes 50 feet

<table>
<thead>
<tr>
<th></th>
<th>Maximum height of structures, buildings, dwellings</th>
<th>35 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Floor Area Ratio*</td>
<td>35%</td>
</tr>
<tr>
<td>7</td>
<td>Impervious Surface Ratio*</td>
<td>75%</td>
</tr>
</tbody>
</table>

* 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.

**Section 10.7 Parking Regulations.**

For the off-street parking requirements, see ARTICLE XVIII
ARTICLE XI. R-N-C, RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICT

Section 11.1 Intent of District.
The R-N-C 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.

Section 11.2 Permitted Uses.
1. Schools (public, parochial and private) with conventional academic curriculums.
2. Boat docks and boat houses as accessory uses, providing the roof of said boat house does not exceed eight (8) feet above the high water line.
3. One and two-family dwellings.

Section 11.3 Special Exceptions.
1. Stadiums, as used for school activities, provided seating capacity does not exceed student enrollment, plus ten (10) percent.
2. Churches with their educational buildings or recreational facilities.
3. Townhouses.
4. Garden apartments.
5. Eating and/or drinking establishments without drive throughs, and with seating capacity less than 25 persons.
6. Offices and studios.
7. Bed and Breakfast Establishments

Section 11.4 Prohibited Uses and Structures.
1. Mobile homes and mobile home parks.
2. Campgrounds.
3. Manufacturing, industrial or warehousing facilities.
5. Used car lots.
6. Animal kennels.
7. Junk yards.
8. Freight or cargo transportation terminals.
9. Automobile service stations or convenience stores
10. Any similar use or activity deemed objectionable because it may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise or vibration.

Section 11.5 Buffering Requirements.
Where a lot line within an R-N-C zoning district abuts a side or rear lot line of any residential property, the open storage of equipment, materials or commodities shall be screened from said residential lot line. Such
screen may be in the form of walls, fences, or landscaping, but shall be at least six (6) feet in height, and at least fifty (50) percent opaque as viewed from any point along said residential lot line. When landscaping is used for screening, the height and opacity requirements shall be attained within six (6) months after open storage uses are established.

Section 11.6 Site Plan Approval Required.

Each application for a Building Permit shall be accompanied by a site plan incorporating the regulations established herein. This plan shall be drawn to scale indicating property lines, rights-of-way, and the location of all buildings, parking areas, curb cuts and driveways (and shall indicate buffering to be used, if applicable). Two (2) copies of the site plan shall be submitted to the Town Clerk with the application for building permit. One (1) copy of this site plan becomes part of the official land use and building permit record of the Town of Oakland and may be amended only by authority and directive of the Town Commission.

Section 11.7 Building and Site Area Requirements.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Minimum Lot Size</td>
<td>12,500 sq. ft. in area</td>
</tr>
<tr>
<td>2</td>
<td>Minimum Lot Width</td>
<td>100 feet</td>
</tr>
<tr>
<td>3</td>
<td>Setbacks:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) Front, Side Street</td>
<td>25 feet</td>
</tr>
<tr>
<td></td>
<td>b) Side Street</td>
<td>25 feet</td>
</tr>
<tr>
<td></td>
<td>c) Rear</td>
<td>20% of lot depth, or 25 ft., whichever is less.</td>
</tr>
<tr>
<td></td>
<td>d) Inside lot, Side Yard</td>
<td>10 feet minimum</td>
</tr>
<tr>
<td></td>
<td>e) Setback from Lakes</td>
<td>50 feet</td>
</tr>
<tr>
<td>4</td>
<td>Maximum intensity for non-residential uses based upon effluent disposal capacity</td>
<td>2,500 gallons of wastewater flow per acre</td>
</tr>
<tr>
<td>5</td>
<td>Maximum density for Townhouses and Garden Apartments</td>
<td>Eight (8) dwelling units per acre of usable land</td>
</tr>
<tr>
<td>6</td>
<td>Maximum Height of Structures, Buildings, Dwellings</td>
<td>35 feet or two (2) stories for residential structures</td>
</tr>
<tr>
<td>7</td>
<td>Floor Area Ratio*</td>
<td>35%</td>
</tr>
<tr>
<td>8</td>
<td>Impervious Surface Ratio*</td>
<td>75%</td>
</tr>
</tbody>
</table>

* 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.

Section 11.8 Parking Regulations.

For the off-street parking requirements, see ARTICLE XVIII.
ARTICLE XII. C-1, RETAIL COMMERCIAL DISTRICT

Section 12.1 Intent of District.

This 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.

Section 12.2 Permitted Uses.

1. Personal service establishments such as barber shops, beauty parlors, medical and dental clinics, restaurants, financial institutions, professional and other offices, service stations, laundry and dry cleaning pick-up stations, self-service coin-operated laundry and dry cleaning establishments, shoe repair, tailoring, watch and clock repair, and locksmiths.
2. Retail businesses, such as drug stores, package liquor stores, hardware stores, stationery stores, china and luggage shops, newsstands, photographic supplies and studios, and apparel stores.
3. Drive-in restaurants when the boundaries of the tract of land on which it is located are in excess of two hundred (200) feet from any residential district.
4. Automobile repair shops for servicing ignition, fuel, brake or suspension systems.
5. Fire Stations.
8. Churches and schools.
10. Florist shops where the products of which are displayed and sold wholly within an enclosed building.
11. Grocery, fruit, vegetable and meat markets.
12. Health clubs and spas.
13. Hospitals and nursing homes, but not animal hospitals.
15. Music conservatories, dancing schools and art studios.
17. Retail paint and wallpaper stores.
18. Structures for public use such as community centers, libraries, and museums.
19. Bowling alleys, skating rinks and billiard parlors, provided which activities and facilities are enclosed within a soundproof building.
20. Funeral parlors.
21. Dry cleaning establishments using equipment which emits no smoke or escaping steam, and which uses nonflammable synthetic cleaning agents (perclorethylene, trichloroethylene, etc.)
22. Bakeries where the products of which are sold only at retail on the premises.
23. Automobile sales businesses (new and used).

Section 12.3 Special Exceptions

Other uses which are similar or compatible to the uses permitted herein, which would promote the intent and purposes of this District.
Section 12.4 Prohibited Uses.

The following uses are not considered to be “similar or compatible to the uses permitted” in the C-1 zoning district, and are prohibited along with other uses not expressly permitted in the C-1 zoning district.

1. Mini-storage facilities.
2. Trade uses.
3. Vehicle storage facilities.
4. Warehouses.
5. Sales and rental of the following items:
   a. Large vehicles with a gross vehicle weight of \( \geq 7,500 \) pounds that are typically not intended for sale to the general consumer market. This includes flatbed and workbed trucks, buses, tractor trailers, dump trucks, yard trucks, and similar vehicles.
   b. Moving vans, trucks and trailers.
   c. Construction, land clearing, hauling, earth moving, drilling, aerial lift and heavy equipment.
   d. Forklifts, bobcats, trenchers, boom lifts, man lifts, and similar items.
   e. Air compressors, generators, mobile pumps, and similar items.
   f. Farming, agricultural and arborist equipment.
   g. Recreational vehicles, including motor homes, motor coaches, travel trailers, fifth wheels, fold down trailers, camper trailers, and similar items.

Section 12.5 Site Plan Approval Required.

Each application for a land use and building permit shall be accompanied with a site plan incorporating the regulations established herein and a current certified survey. The site plan shall be drawn to scale indicating property lines, rights-of-way, and the location of buildings, parking areas, curb cuts, driveways and landscaping. Said site plan shall be submitted to and approved by the Town Commission prior to the granting of a land use and building permit and may be amended only by authority and directive of the Town Commission.

Section 12.6 Building and Site Area Requirements.

1. Minimum lot area 12,500 square feet
2. Minimum depth None
3. Minimum lot width 100 feet
4. Minimum front yard setback None
5. Minimum rear yard setback None, except rear yards adjacent to residential districts shall be at least 25 feet.
6. Minimum side yard None, except side yards adjacent to residential districts shall be at least 25 feet.

7. Maximum building height shall be 35 feet. Buildings in excess of 35 feet can only be permitted as a special exception. Buildings in excess of one (1) story in height within 100 feet of any side or rear lot line of any single family residential district can only be permitted as a special exception.

8. Floor Area Ratio 35% on SR 50/ 25% on CR 438
9. Impervious Surface Ratio 75%

Section 12.7 Parking Regulations.
For the off-site parking requirements, see ARTICLE XVIII.

Section 12.8 Buffering Requirements.

Where a lot within a Retail Commercial District abuts a residential district, the open storage of equipment, materials or commodities shall be screened from view said residential lot. Such screen may be in the form of walls, fences or landscaping and shall be at least six (6) feet in height with at least fifty percent (50%) opacity as viewed from any point along said residential lot. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after planting.

Section 12.9 Other Requirements.

Driveways, streets and facilities for serving traffic shall be designed in such a manner that entrances and exits to public streets shall not be hazardous and that traffic congestion is minimized. Furthermore, no non-residential uses shall have entrances or exits that direct traffic into adjacent residential districts.

ARTICLE XIII. C-2, COMMERCIAL RESTRICTED DISTRICT

Section 13.1 Intent of District

This 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.

Section 13.2 Permitted Uses

No use of land within the C-2 district shall be considered a permitted use. Instead, all uses must follow the special exception process as provided for in Section 5.6 of this Code. This is intended to acknowledge the sensitivity of commercial lands being developed in predominately residential areas, and allow the Town the benefit of reviewing all applications for compatibility and impact on surrounding land uses.

Section 13.3 Special Exceptions

All uses provided for as permitted uses under the C-1 district, excluding those prohibited in Section 13.4, shall require special exception approval under the C-2 district. Additionally, the following uses shall be considered under this process:

1. Mixed use establishments which provide for both commercial and residential uses within one structure.
2. Antique shops.

Section 13.4 Prohibited Uses.

1. Restaurants with drive-through facilities and drive-in theaters.
2. Used or new automobile sales lots.
3. Warehouses and mini-storage facilities.
4. Automobile repair, tire servicing, or tune-up shops.

Section 13.5 Site Plan Approval Required

Each application for a Building Permit shall be accompanied by a site plan incorporating the regulations established herein. This plan shall be drawn to scale, indicating property lines, rights-of-way, and the location of all buildings, parking areas, curb cuts, and driveways. Two (2) copies of the site plan shall be submitted to the Town Clerk with the application. One (1) copy of the Plan becomes part of the official land use and building permit record of the Town of Oakland and may be amended only by the authority and directive of the Town Commission.

Section 13.6 Building and Site Area Requirements.
<table>
<thead>
<tr>
<th></th>
<th>Minimum lot area</th>
<th>12,500 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Minimum depth</td>
<td>None</td>
</tr>
<tr>
<td>3</td>
<td>Minimum lot width</td>
<td>100 feet</td>
</tr>
<tr>
<td>4</td>
<td>Minimum front yard setback</td>
<td>None</td>
</tr>
<tr>
<td>5</td>
<td>Minimum rear yard setback</td>
<td>None, except rear yards adjacent to residential districts shall be at least 25 feet.</td>
</tr>
<tr>
<td>6</td>
<td>Minimum side yard setback</td>
<td>None, except rear yards adjacent to residential districts shall be at least 25 feet.</td>
</tr>
<tr>
<td>7</td>
<td>Floor Area Ratio</td>
<td>35% on SR 50/ 25% on CR 438</td>
</tr>
<tr>
<td>8</td>
<td>Impervious Surface Ratio</td>
<td>75%</td>
</tr>
</tbody>
</table>

**Section 13.7 Parking Regulations.**

For off-street parking requirements, see Article XVIII.
ARTICLE XIV. I-1, INDUSTRIAL GENERAL DISTRICT

Section 14.1 Intent of District.

This district is composed of lands and structures used primarily to provide space for those industries which require locations accessible to major transportation facilities. The regulations are intended to permit and encourage a full development of essential industrial uses; at the same time, however, protecting nearby residential properties from adverse effects of industrial activity.

Section 14.2 Permitted Uses.

2. Battery manufacturing and storage.
5. Building products manufacturing.
6. Bulk storage of petroleum
7. Ceramics manufacturing.
8. Chemical products manufacturing and processing.
9. Cold storage and frozen food lockers.
10. Dairy products manufacturing
11. Data processing services.
12. Electrical machinery and equipment manufacturing.
13. Food processing and packaging.
15. Garment manufacturing
18. Helicopter landing facilities
19. Laundry and dry cleaning.
20. Living quarters for guards, custodians and caretakers when such facilities are accessory uses to the primary occupancy of the premises.
22. Manufacturing of metal, plastic or card-board containers.
23. Motor vehicle assembly.
24. Paint or varnish manufacturing.
26. Photographic equipment and supplies manufacturing and processing.
27. Post Office.
28. Printing, bookbinding, lithography and publishing plants.
29. Professional offices when accessory to principal industrial uses.
30. Radio and television studios and offices.
31. Recreation facilities provided by an employer of the district for the exclusive use of employees, their families and guest.
32. Shoe and leather goods manufacturing.
33. Technical and trade schools for persons eighteen (18) years old or older.
34. Testing of materials, equipment and products.
35. Textile manufacturing.
36. Tire manufacturing.
37. Truck terminals.
38. Warehousing.
41. Wholesale landscaping materials supply business.
42. Church.
43. Boat service and repair, including paint and body work.
44. Wholesale commercial greenhouse
45. Automobile repair, service, and paint and body shop, as long as all activities of this type of business are conducted and totally confined within an enclosed structure.
46. Drug correctional institution, which facility provides drug treatment as an alternative to jail sentencing for drug offenders. This is a lock-up facility and will be surrounded by fencing, including barbed wire.
49. Mini-storage facilities.
50. Trade uses.
51. Vehicle storage facilities.
52. Sales and rental of the following items:
   a) Large vehicles with a gross vehicle weight of \( \geq 7,500 \) pounds that are typically not intended for sale to the general consumer market. This includes flatbed and workbed trucks, buses, tractor trailers, dump trucks, yard trucks, and similar vehicles.
   b) Moving vans, trucks and trailers.
   c) Construction, land clearing, hauling, earth moving, drilling, aerial lift and heavy equipment.
   d) Forklifts, bobcats, trenchers, boom lifts, man lifts, and similar items.
   e) Air compressors, generators, mobile pumps, and similar items.
   f) Farming, agricultural and arborist equipment.
   g) Recreational vehicles, including motor homes, motor coaches, travel trailers, fifth wheels, fold down trailers, camper trailers, and similar items.

Section 14.3 Special Exceptions.

Other uses which are similar or compatible to the uses permitted herein, which would promote the intent and purposes of this District.

Section 14.4 Uses Prohibited

The following uses shall be prohibited in any I-1 industrial general district:

1. Any use or activity which is not in full compliance with all the requirements and standards set forth in this article.
2. Animal slaughtering or the confinement of animals for feeding, finishing, and preparation for slaughter, including stockyards and feeding pens.
3. Asphalt manufacturing or refining or any similar petroleum or petrochemical refining or manufacturing process.
4. Asphalt or concrete paving, mixing or batching plant.
5. Blast furnaces or similar heat- or glare-generating operations.
6. Bone distillation or the reduction, rendering, incineration or storage of garbage, offal, animals or animal waste, fats, fish or similar materials or products.
7. Cement, lime, gypsum or plaster of Paris manufacture or the open storage of raw materials or finished products related to such manufacture.
8. Corrosive acid manufacture, including, but not limited to hydrochloric, nitric, sulfuric or similar acids.


10. Drive-in theaters, bowling alleys, skating rinks golf driving ranges, miniature golf courses, and similar carnival-type or commercial-type amusements, except recreational centers or facilities provided by an employer of the district for the exclusive use of employees, their families and guests.

11. Dwellings except living quarters for custodians, guards and caretakers when such facilities are necessary to the primary occupancy of the premises.

12. Elementary, junior high or high schools.

13. Fertilizer manufacturing and processing.

14. Glue, size or gelatin manufacture where the processes involve the refining or recovery of such products from fish, animal or refuse materials.

15. Junk, salvage or wrecking yard or structure wherein motor vehicles, appliances or similar used equipment or material are stored, dismantled or sorted for display, sale or packing.

16. Mortuaries, cemeteries and crematories.

17. Tallow, grease, lard or vegetable oil refining.

Section 14.5 Site Plan Approval Required.

Each application for a land use and building permit shall be accompanied with a site plan incorporating the regulations established herein and a current certified survey. The site plan shall be drawn to scale indicating property lines, rights-of-way, and the location of buildings, parking areas, curb cuts, driveways and landscaping. Said site plan shall be submitted to and approved by the Town Commission prior to the granting of a land use and building permit and may be amended only by authority and directive of the Town Commission.

Section 14.6 Building and Site Area Requirements.

<table>
<thead>
<tr>
<th></th>
<th>Minimum Lot Size</th>
<th>1 Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Minimum depth</td>
<td>None</td>
</tr>
<tr>
<td>3</td>
<td>Minimum lot width</td>
<td>100 feet</td>
</tr>
<tr>
<td>4</td>
<td>Minimum front yard setback</td>
<td>100 feet abutting a major street, 35 feet otherwise.</td>
</tr>
<tr>
<td>5</td>
<td>Minimum rear yard setback</td>
<td>100 feet abutting a major street, 35 feet otherwise.</td>
</tr>
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<td>6</td>
<td>Minimum side yard setback</td>
<td>100 feet abutting a major street, 35 feet otherwise.</td>
</tr>
<tr>
<td>7</td>
<td>Maximum building height shall be 35 feet. Buildings in excess of 35 feet can only be permitted as a special exception. Buildings in excess of one (1) story in height within 100 feet of any side or rear lot line of any single family residential district can only be permitted as a special exception.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Floor Area Ratio</td>
<td>35% on SR 50/ 25% on CR 438</td>
</tr>
<tr>
<td>9</td>
<td>Impervious Surface Ratio</td>
<td>75%</td>
</tr>
</tbody>
</table>
Section 14.7 Parking Regulations.
For the off-site parking requirements, see ARTICLE XVIII.

Section 14.8 Buffering Requirements.
Where a lot within a Residential Industrial District abuts a residential district, the open storage of equipment, materials or commodities shall be screened from view said residential lot. Such screen may be in the form of walls, fences or landscaping and shall be at least six (6) feet in height with at least fifty percent (50%) opacity as viewed from any point along said residential lot. When landscaping is used for screening, the height and opacity requirements shall be attained within eighteen (18) months after planting.

Section 14.9 Other Requirements.
Driveways, streets and facilities for serving traffic shall be designed in such a manner that entrances and exits to public streets shall not be hazardous and that traffic congestion is minimized. Furthermore, no non-residential uses shall have entrances or exits that direct traffic into adjacent residential districts.

ARTICLE XV I-2, Industrial Restricted District

Section 15.1 Intent of District.
This 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.

Section 15.2 Permitted Uses.
No use of land within the I-2 district shall be considered a permitted use. Instead, all uses must follow the special exception process as provided for in Section 5.6 of this Code. This is intended to acknowledge the sensitivity of industrial lands being developed in predominately residential areas, and allow the Town the benefit of reviewing all applications for compatibility and impact on surrounding land uses.

Section 15.3 Special Exceptions
All uses provided for as permitted uses under the I-1 district, excluding those prohibited in Section 15.4, shall be considered for special exception approval under the I-2 district.

Section 15.4 Uses Prohibited.
All uses prohibited by the I-1 district shall also be prohibited under the I-2 district. Additionally, the following uses shall not be allowed:

1. Truck terminals
2. Helicopter landing facilities
5. Tire and textile manufacturing.
6. New and used automobile sales lots.

Section 15.5 Site Plan Approval Required.
Each application for a land use and building permit shall be accompanied by a site plan incorporating the regulations established herein and a current certified survey. The site plan shall be drawn to scale, indicating property lines, rights-of-way, and the location of buildings, parking areas, curb cuts, driveways, and landscaping. Said site plan shall
be submitted to and approved by the Town Commission prior to the granting of a land use and building permit and may be amended only by authority and directive of the Town Commission.

Section 15.6 Building and Site Area Requirements.

<table>
<thead>
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<th>Requirement</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Minimum lot area</td>
<td>2 acres</td>
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<tr>
<td>2</td>
<td>Minimum lot depth</td>
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<tr>
<td>3</td>
<td>Minimum lot width</td>
<td>100 feet</td>
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<td>4</td>
<td>Minimum front yard setback</td>
<td>100 feet abutting a major street, 35 feet otherwise</td>
</tr>
<tr>
<td>5</td>
<td>Minimum rear yard setback</td>
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<td>75%</td>
</tr>
</tbody>
</table>

Section 15.7 Parking Regulations. For off-street parking requirements, see Article XVIII

ARTICLE XVI. GATEWAY CORRIDOR OVERLAY DISTRICT

Section 16.1 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 “Gateway Corridor Overlay Classification.”

Section 16.2 Purpose

The purpose of this chapter is to ensure that the designated Oakland Gateway Corridors are developed in a manner that:

A. Insures subject roadways are developed into well landscaped scenic gateways;
B. Provides uniform design standards to establish high-quality development;
C. Maximizes traffic circulation functions from this standpoint of safety, roadway capacity, vehicular and non-vehicular movement;
D. Maintains and enhances property values;
E. Preserves natural features to the extent practical;
F. Recognizes and makes allowances for existing uses and buildings.

Section 16.3 Acknowledgment

The Town of Oakland consulted ordinances adopted by several other jurisdictions in the formulation of this overlay. Some of the material in this ordinance can also be found within ordinances of the City of Port Orange, the City of Ocoee, and Collier County.

Section 16.4 Applicability

Provisions of this ordinance are applicable in all commercial and industrial zoning districts, inclusive of the R-N-C district, within those areas designated in Section 16.5. Residential structures are not subject to this ordinance. Additions to existing church facilities, including new structures on existing church sites, shall not be subject to the architectural design criteria of this ordinance, provided the proposed structure conforms to an architecturally recognizable design, and said design is consistent with the existing facilities. Standards
stated herein shall be in addition to, but take precedence over, standards found elsewhere in the Zoning Code of the Town of Oakland. This ordinance shall apply to all new development, and also to the following:

**Renovations and redevelopment:** In the case of additions or renovations to, or redevelopment of, an existing building or project, where the cost of such addition, renovation, or redevelopment exceeds 25 percent of the taxable assessed value of the existing structures, or 20 percent of the square footage of the existing structures, the provisions of this ordinance shall apply.

**Discontinuance:** Where the use of a structure ceases for any reason for a period of more than 365 consecutive days, except where governmental action impedes access to the premises, the provisions of this ordinance, excluding setback requirements, which may require structural alterations shall be adhered to prior to re-occupancy. With respect to vehicular use and required landscape areas, the provisions of this ordinance shall apply where the use of a structure ceases for any reason for a period of 180 consecutive days, except where governmental action impedes access to the premises.

**Conversions:** Where residential structures are converted to businesses within an R-N-C district, and said structure was built within the last 2 years, all provisions of this ordinance shall apply. Where the structure was built greater than 2 years prior, the Development Review Committee shall determine the extent of retro-fitting necessary to accommodate the intent of this ordinance. This may include any and all provisions of located herein.

**Section 16.5 DESIGNATED GATEWAY CORRIDORS:**

**A. Old Town Corridor**

Those lands within 320 feet of the adopted centerline of Oakland Avenue from State Road 545 (Tildenville School Road) on the east, to State Road 50 on the west. Additionally, all lands within 320 feet of the centerline of Tubb Street, from Highway 50 on the south, to Briley Avenue on the north. If any part of the parcel abuts the right-of-way line of the designated roadway, the entire parcel shall be subject to this chapter as if the parcel were within the stated corridor width.

**B. Highway 50 Activity Corridor**

Those lands within 320 feet of the adopted centerline of State Road 50 from the Orange County line on the West to the Town limit on the East. If any part of a parcel abuts the right-of-way line of the designated roadway, the entire parcel shall be subject to this chapter as if the parcel were within the stated corridor width.

**Section 16.6 ALLOWABLE USES**

**A. Purpose.** The purpose of this section is to strengthen and diversify the commercial activities within the key corridors of the Town of Oakland.

**B. Uses.** To create and encourage a healthy, vital marketplace, providing for a complementary mix of uses along Highway 50, which will generate services to the Town of Oakland residents and professionals, while maintaining a profitable business environment, the following limitations for certain uses will apply:

1. Vehicle related sales/services shall not exceed 20% of the linear frontage along Highway 50.

   Examples of Vehicle Sales and Services include: Vehicle fuel, oil, and accessory sales, Convenience stores with gas sales, Vehicle body work, Vehicle detailing, Vehicle frame repair, Vehicle interior repair, Vehicle mechanical repair, Vehicle maintenance, Vehicle painting, Vehicle sales, Vehicle tune-ups, Vehicle tire sales and service, Motorcycle sales and service, Watercraft sales and service, Car wash, Window tinting, or any other similar use.
2. Eating and Drinking facilities shall not exceed 60% of the linear frontage along Highway 50. Examples of Eating and Drinking facilities include: Coffee shops, ice cream parlors, pubs, restaurants, or any other similar use.

3. Retail and personal services shall not exceed 70% of the linear frontage along Highway 50. Examples include: Antique shops, Appliance stores, Art shops, Banks and savings institutions, Bicycle shops, Bookstores, Department stores, Drug stores, Florists, Gift shops, Groceries, Hardware stores, Jewelry stores, Photo stores, Retail plant nurseries, Specialty shops, Barber shops, Beauty shops, Dance studios, Health spas, Shoe repair, Tailoring, Veterinary clinic, or any other similar use.

C. Exceptions. Where superior design and unique planning principles are demonstrated to the greatest extent possible, the above limitations (percentages) may be expanded through a PD rezoning. However, the maximum percentage of each; Automotive Sales and Services, Eating and Drinking Establishments, and Retail and Personal Services, may not be exceeded by more than 5% of the linear frontage of Highway 50.

For the purposes of this section, linear frontage shall be defined as the sum of the linear frontage of all parcels within the Town’s Gateway Corridor Overlay, from the eastern Town limits on Highway 50 to the Lake County line on Highway 50, inclusive of all parcels within said area that are not currently annexed into the Town.

The applicability of these regulations shall survive the subdivision of land. All land subject to these regulations on the date of adoption of this ordinance shall continue to be subject to these regulations subsequent to subdivision, even if said subdivision creates a separate lot greater than 320 feet from the centerline of Highway 50.

Section 16.7 DEFINITIONS:

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BANNER SIGNS Any signs having characters, letters, illustrations, or ornamentations applied to cloth, paper, or fabric of any kind.

LANDSCAPE BUFFER That area immediately abutting the right-of-way line to which landscaping standards apply.

GROUND SIGNS Signs wholly independent of any building for support.

OFF-PREMISES SIGNS Any sign whose copy, logo or other sign graphics do not relate to goods, services or activities offered on the property to which the sign is attached. A billboard is considered to be an off-premises sign.

POLE SIGNS A sign supported by poles, uprights, or braces, permanently placed on or in the ground and wholly independent of any building for support, either single or double faced.

PORTABLE SIGNS Any sign that is designed to be transported including but not limited to signs:

1. with wheels removed;
2. with chassis or support constructed without wheels;
3. designed to be transported by trailer or wheels;
4. converted to an A or T-frame signs;
5. attached temporarily or permanently to the ground, structure, or other signs;

6. mounted on a vehicle for advertising purposes, parked, and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business;

7. menu and sandwich boards;

8. searchlight stands; and

9. air or gas-filled balloons, or umbrellas used for advertising.

SHADE TREES Shall mean specifically Live Oaks (Quercus virginiana), four inch diameter at breast height (dbh) at the time of planting.

TEMPORARY SIGNS Any sign, not including flags, which is not permanently affixed to a building or structure, which is constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without flames. Snipe signs are considered to be temporary signs.

UNDERSTORY TREES Shall mean any of the following, as long as they are a minimum of two inches (dbh) at time of planting: Loquat (Eriobotrya japonica), Savannah Holly (Ilex opaca 'Savannah'), East Palatka Holly (Ilex opaca 'East Palatka'), Drake Elm (Ulmus parvifolia 'Drake'); or any of the following multi-trunk trees, provided they have three to four one inch trunks: Cape plumbago (Plumbago auriculato), Crape Myrtle (Lagerstroemia indica), or Tree Ligustrum (Ligustrum lucidum).

WALL SIGNS Any sign painted on, or attached to, or erected parallel to the face of; or erected and confined within the limits of the outside wall of any building and supported by the wall or building and which displays only one advertising surface.

UTILITY LINES Utility lines of all kinds, including, but not limited to, those franchised utilities, electric power and light, telephone and telegraph, cable television, water, sewer, and gas.

Section 16.8 REQUIRED DRAWINGS:
Architectural elevations of all facades of all structures subject to this Ordinance shall be a required exhibit for development plan approval. Such exhibits shall include colors, materials, building dimensions, location of service areas and mechanical equipment, screening devices, parking, site furnishings, lighting fixtures, ALL SIGNAGE, and any other information as determined necessary to ensure consistency with the intent of this Ordinance by the Town. All elevations must be signed and sealed by a licensed architect registered in the State of Florida.

Section 16.9 BUILDING SETBACK, HEIGHT, AND SIZE:
A. Highway 50 Activity Corridor

1. The front of any building constructed on a parcel 200 feet or more in depth from the adopted right-of-way line shall be a minimum of 60 feet. In order to reduce the number of requests, this setback requirement will be reduced to 40 feet for parcels of less than 200 feet in depth which are not combined with any other parcel for the purpose of development. To promote a pedestrian-scaled character along street fronts, buildings less than 25,000 square feet g.f.a. shall have a maximum setback of 100 feet.

2. No building shall be constructed whose roof exceeds 35 feet in height as defined by Oakland’s land development code.
3. To help preserve Oakland's historically small-town atmosphere, no building designed for single-user occupancy shall be greater than 60,000 square feet g.f.a. within the Highway 50 Activity Corridor.

B. Old Town Corridor

1. Buildings shall be setback from the right-of-way line a minimum of 10 feet and a maximum of 20 feet. This setback may be increased for projects incorporating outdoor seating or courtyards between the building and the right-of-way. Side yard setback for a building with frontage also along the side yard (corner lots), shall be the same.

2. No building shall be constructed whose roof exceeds 35 feet in height as defined by Oakland's land development code.

3. To help preserve the scenic, pedestrian friendly, and historically small-town atmosphere of the Old Town Corridor, non-institutional building size shall be limited to 15,000 square feet g.f.a.

Section 16.10 REQUIRED LANDSCAPING; BUFFER; BUFFER DESIGN

All site plans submitted must include a detailed Landscape Plan delineating the location, height, and type of all plant and groundcover materials, as well as the irrigation system. Likewise, area calculations must be given for all landscaping. This plan must be prepared by a Landscape Architect licensed to practice in the state of Florida. Existing vegetation shall be preserved wherever possible, particularly where it is significant in character due to size, age, or habitat. Sufficient area shall be set aside for continued viability of vegetation designated for preservation. The Town will consider waivers from standard requirements and setbacks to facilitate preservation of specimen trees. The property owner/developer shall be responsible for the purchase, installation, irrigation, and maintenance of all required landscaping and pedestrian amenities. All landscaping will be well maintained, and loss of any vegetation required by this ordinance will be replaced immediately. The Town shall determine vegetation that requires replacement. Additionally, the following standards shall to apply to the specified corridors:

A. Highway 50 Activity Center

1. Along Public Streets:
   
   a. A minimum 25 foot landscape buffer abutting the Highway 50 right-of-way line shall be provided by the developer/property owner. Where a parcel within the corridor abuts other public or private streets, a minimum 15 foot landscape buffer shall be provided along those streets.

   b. No existing dedicated or reserved public or private right-of-way shall be included in calculation of the buffer width.

   c. The corridor buffer area shall not include storm water retention areas (wet or dry), unless such facilities are designed with 5:1 slopes to 2' below the NWL and permitted so as to not require fencing.

   d. This area shall be planted with four (4) Live Oaks per one hundred liner feet, four-inch diameter at breast height (dbh) at planting, along a line ten feet back from the right-of-way line. The trees shall be clustered in groups where possible. Over time, this will create the appearance of a natural environment, ease maintenance, and preclude the monotony of trees evenly spaced in a row. Additionally, a minimum of four (4) understory trees per 100 feet of frontage or fraction thereof shall be planted within the buffer, in the same manner.

   e. Shrubs and groundcovers shall comprise at least 30% of the required buffer area, and shall form a continuous 3-foot high landscape screen (within one year of planting) when adjoining
driveways and parking areas. A minimum of three (3) different species of groundcovers must be utilized and arranged to provide an aesthetically-pleasing curvilinear design. Sod shall comprise no more than 70% of the required buffer area.

2. Between Parcels (Side and Rear):
   a. A minimum 10 foot landscape buffer is required between adjacent tracts (side and rear property boundaries). This buffer shall be planted with two (2) shade trees per 100 linear feet and three (3) understory trees per 100 linear feet.
   b. Shrubs and groundcovers shall comprise at least 30% of the required buffer area, and shall form a continuous 3-foot high landscape screen (within one year of planting) when adjoining driveways and parking areas. Sod shall comprise no more than 70% of the required buffer area.
   c. On adjoining parcels, when designed as one buffer, the combined buffers may be reduced to a total of 10 feet if the shrubs and groundcovers are increased to at least 75% of the required buffer area. No less than 5 feet will be required on each of the two adjoining parcels.
   d. Where commercial projects abut residential, six-foot high brick screening walls shall be required. 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. Maintenance of said landscaping shall be the responsibility of the commercial property owner. If applicant provides documentation signed by those residential property owners affected by this section indicating that another form of screening is desired, then Town staff shall consult those residents as to what form of screening may be required.

3. Parking and Pedestrian Areas:
   a. Landscaped green areas within parking lots, including landscaped walkways, driveway separators, parking lot islands, and linear landscape features shall comprise an area equal to 10% of the paved parking area within the project site, including driveways.
   b. Shrubs and groundcovers shall comprise 50% of the required parking lot landscape areas, and no landscape area shall be devoid of shrubs or groundcovers.
   c. Parking lots shall provide a minimum of (1) tree per (5) 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 seven (7) feet in width.
   d. The first row of landscape islands located closest to the building front and sides shall be landscaped with trees, shrubs, and groundcovers, and shall have a clear trunk area to a height of seven feet (See illustration 1 below).
   e. Pedestrian walkways shall be provided with shade with an average of (1) understory or shade tree per 30 linear feet of walkway.
4. Perimeter Plantings: All open areas around buildings shall be landscaped completely with trees, shrubs, groundcovers, annuals, or sod.

   a. A minimum 10 foot wide landscape area shall be located around all portions of buildings or building complexes facing a public street, public parking area, or adjoining building facing the property. The landscape area may include a sidewalk; although in no case shall the landscape areas adjoining the building be less than 5 feet. (See Illustrations 2 and 3 Below)

   b. An average of (1) shade or understory tree shall be provided for every 30 linear feet of building perimeter.

   c. All edges of buildings shall have a foundation planting of shrubs and groundcovers as a minimum. Shrubs and groundcovers shall comprise at least 50% of the required landscape area.
B. **Old Town Corridor**

1. Along Public Streets:
   a. A minimum 4-foot wide (excluding sidewalks) landscape buffer shall be provided between the building front and the right-of-way (this includes both frontages for corner lots). The length of the buffer shall be at least 75% of the frontage. The use of planters is encouraged where positioned adjacent to the right-of-way.
   b. No existing dedicated or reserved public or private right-of-way shall be included in calculation of the buffer width.

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**ILLUSTRATION 2**

**BUILDING PERIMETER PLANTINGS**
c. This area shall be planted with four (4) Live Oaks per 100 linear feet, four-inch diameter at breast height (dbh) at planting. The trees shall be planted every 40 feet. Additionally, a minimum of four (4) understory trees per 100 feet of frontage, or fraction thereof, shall be planted within the buffer.

d. Shrubs and groundcovers shall comprise the remainder of the buffer area.

2. Between Parcels (Side and Rear):
   a. No landscape buffer shall be required between parcels, except as where provided elsewhere in this Ordinance.
   b. Where commercial projects abut 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. Maintenance of said landscaping shall be the responsibility of the commercial property owner. If applicant provides documentation signed by those residential property owners affected by this section indicating that another form of screening is desired, then Town staff shall consult those residents as to what form of screening may be required.

3. Parking and Pedestrian Areas:
   a. Landscaped green areas within parking lots, including landscaped walkways, driveway separators, parking lot islands, and linear landscape features shall comprise an area equal to 10% of the paved parking area within the project site, including driveways.
   b. Shrubs and groundcovers shall comprise 50% of the required parking lot landscape areas, and no landscape area shall be devoid of shrubs or groundcovers.
c. Parking lots shall provide 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.

4. Perimeter Plantings: All open areas around buildings shall be landscaped completely with trees, shrubs, groundcovers, annuals, or sod. An average of (1) shade or understory tree shall be provided for every 30 linear feet of building perimeter.

Section 16.11 DESIGN STANDARDS

A. Highway 50 Activity Center

1. Building Orientation: Buildings shall have as the primary customer entrance, an entrance along the facade that faces Highway 50. Additionally, secondary entrances facing other public streets or adjacent buildings shall be encouraged. Any facade facing a public right-of-way shall have either:
   a. The main customer entrance, with associated entry features; or
   b. Windows along 50 percent of the horizontal length of that facade.

Automobile repair, servicing, or other establishments requiring large bay doors must position the building so that those doors do not face the adjacent right-of-way. Likewise, drive-thru windows may not be located on the side of a building facing right-of-way.

2. 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 preclude many of the traffic hazards of poor access management, the use of “rearage” roads will be required where deemed necessary by the Town Engineer. Likewise, all parcels with Highway 50 frontage will be granted a maximum of one curb-cut per parcel. 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 Engineer if said curb-cuts are absolutely necessary, or if access can be obtained from an alternative. Master-planned access for properties fronting on Highway 50 may be required.

3. Parking: Parking areas and driveways shall be designed to establish a logical pattern of pedestrian access, traffic flow, and parking lots with visible connections between building entrances, parking lot entrances, roads, parking spaces, sidewalks, and adjacent projects. Additionally, the following requirements shall apply to larger projects:
   a. Commercial buildings and projects (including outparcels) with a gross building area of 20,000 square feet or larger:
      i. Parking areas containing more than 200 spaces shall be visually and functionally segmented into smaller lots. This design shall incorporate all necessary landscaping and pedestrian connections.
      ii. Parking, utilizing the same degree of angle, shall be developed throughout the site to provide efficient and safe traffic and pedestrian circulation. A single bay of parking provided along the perimeter of the site may vary in design in order to maximize the number of spaces on site. The mixture of one-way and two-way parking aisles, or different degrees of angled parking within any parking area is prohibited, except as noted above, or where individual parking areas are physically separated from one
another by a continuous landscape buffer, a minimum of five feet in width with limited access (See illustrations 4 and 5 below).

iii. Parking for single use projects on non-corner lots shall have no more than 50 percent of the off-street parking for the entire commercial building or project located between
any primary façade of the commercial building or project and the abutting street (See illustration 6 below).

iv. Parking for single use projects on corner lots shall have no more than 80 percent of the off-street parking for the entire commercial building or project between any primary façade of the commercial building or project and the abutting street. No single side of said project will contain more than 65 percent of the required parking (See illustration 7 below).

v. Main entry roads, where applicable, shall have linear landscape islands along their length to define the traffic aisle and shall have no parking spaces accessing them directly. These islands shall be a minimum of 8 feet wide, measured back of curb to back of curb.

vi. A minimum vehicle stacking area will be required on principal driveways leading out of the project, based on the principal use and traffic characteristics.

vii. 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 (See illustration 8 below).
viii. A landscaped parking island shall be provided at the end of each row of parking utilizing the above planting area standards. In no case shall perpendicular rows of parking spaces overlap into a common landscape island that forms the end of both rows.

ix. In order to provide safe, orderly, and esthetically pleasing parking areas, all parking lots, connecting driveways, and loading areas shall be installed with continuous perimeter concrete curbing.

ILLUSTRATION 8

4. Facade: Exterior building materials shall consist of or accurately resemble brick, or horizontal or vertical wood siding. Historically correct architectural details, such as door framing, window framing, and corner framing shall be provided. Exposed concrete block shall not be allowed. Alternative exterior building materials appropriate within the Corridor area shall include coquina stone/facing, shell-based stucco, or brick, provided that such materials comprise no more than one-third of any building elevation visible from a public right-of-way. (See illustration 9 below)
5. **Roofs**: All roof materials should be comprised of metal shingles, corrugated metal sheet, V-crimp metal sheet, or standing seam metal sheet. Alternative roof materials may be considered, so long as they meet the historical design intent of this Ordinance. Metal roofs, if painted, shall be painted a color compatible with the color scheme of the structure.

All buildings shall incorporate sloped roofs. All roofs will be required to display exposed functional or non-functional rafters with an overhang. Flat roofs may be permitted for up to one-fourth of the building footprint, provided that a sloped roof structure with exposed rafters and a decorative tower, cupola, or railing is provided. Flat roofs must also have a cornice detail consisting of, or accurately simulating, wood, and projecting from the building face. Where flat roofs are integrated into predominately sloping roof structures, the top shall be finished with a decorative railing as shown in illustration 10. Where hip roofs are utilized, a cupola shall be provided as shown. The minimum permitted slope shall be 8:12. The use of dormers is strongly encouraged. Entirely flat roofs may be considered if the structure obviously meets the historical design intent of this ordinance. In such cases, careful consideration will be given to how well the applicant has integrated other elements of this ordinance within the project.

6. **Windows**: False or real windows shall be provided on all elevations visible to motorists or pedestrians. Window openings shall appear to be vertical in nature with a minimum of one and one-half (1.5) feet of vertical height for every one foot of vertical width. Secondary windows situated on the sides or rear of the building, in a clerestory with lower windows, in the gables, or in dormers, may have a proportion of one (1) foot of vertical height for every one (1) foot of horizontal width provided such windows are divided with fixed mullions, on the interior. False mullions on the interior of glass are prohibited.
Windows shall appear to be casement or double-hung. The use of fixed glass and/or false exterior mullions shall be permitted. The use of closed shutters, three-sided fabric awnings, spandrel glass, or other appropriate vernacular architectural feature shall be permitted to achieve the vertical look. (See illustration 11)

7. For windows with shutters, the shutter dimensions shall be appropriately scaled to the window so as to give the appearance of operable shutters. In the event that shutters are used to create verticality as required by (6) above, the shutters do not have to provide the appropriate vertical dimension to fully cover the window.
Design Criteria for Windows

- Casement
- Double-hung
- Horizontal window with false shutters to create verticality

- 1:1 with false/fixed mullions

Design Criteria for Shutters

- Appropriately dimensioned shutters
- Inappropriately dimensioned shutters
8. **Colors:** Exterior building materials, unless natural stone or brick, shall be painted with earth-tone colors. Where two or more exterior building materials are utilized, each shall be painted a different color. All wood trim, rafters, eaves, corner trim, window trim, brackets, fences, and other wood trim or supporting components shall be painted a contrasting light color. Doors, garage doors, windows, and shutters shall be painted a non-white color that is different from the exterior building materials. No two buildings that share the same property line shall be permitted to have exterior building materials painted the same color. Dayglow, fluorescent, and visually overwhelming colors which are in stark contrast to surrounding buildings, and which call undo attention to the property, shall not be permitted. Likewise, color schemes that are determined by the Town to be excessive, gaudy, or otherwise out of character with the spirit of this Ordinance, shall also be prohibited. The fact that certain colors are "corporate" or "signature" colors shall not be grounds for waiver from this provision. 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. Applicants questioning the applicability of this section to their project should seek clarification from the Planning and Zoning Advisory Board.

9. **Architectural Design Alternative:** Applicants have the option of submitting plans which may differ somewhat from the design specifics of the above criteria (items 4, 5, 6, and 7 only), if:
   a. Said plans are entirely in keeping with the "Old Town" and "Cracker" style architectural design, yet not accommodated by the above standards; and
   b. Said plans offer both innovative design, and sufficient additional amenities in lieu of any items listed above that will not be included on site; and
   c. Said plans do not attempt to alter site design standards outside those listed in 4, 5, 6, and 7 above; and
   d. Said plans, when submitted, specifically state that the plans are submitted using the "Architectural Design Alternative", and all areas where the proposed design differs from this Ordinance are well delineated.

10. **Blank Wall Areas:** Elements of design such as color, shape, architectural banding, pattern change, material and form change, etc, shall be used to break up large areas of blank wall space that are visible from any right-of-way or parking area. Blank areas shall not exceed 20 feet in horizontal direction, or 10 feet in vertical direction.

11. **Lighting:** All roadways, driveways, entryways, parking areas, public areas, and walkways shall be adequately lighted with decorative (antique in appearance) light fixtures painted black or "forest" green in color. To provide cohesiveness, lights will be similar or identical in design as those used on adjacent parcels, if said lighting complies with this Ordinance. Illumination onto adjacent residentially zoned properties shall not exceed 0.5 foot-candles. Maximum height for lighting in parking areas shall be 24 feet, including base. Maximum height for pedestrian areas and walkways shall be 16 feet. Light fixtures will be designed to minimize light pollution and light-bleed onto other properties.

12. **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 (see illustration 12). 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. Providing a public access pier with covered structure and seating, and appropriate pedestrian access.

c. Providing a plaza/courtyard, 200 square feet minimum, with shaded benches and/or picnic tables adjacent to the water body.

All stormwater facilities will be designed with 5:1 side slopes to 2 feet below the normal water level (NWL) and permitted 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.

13. 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 10 feet wide on average. Shared pedestrian walkways are encouraged between commercial parcels.

It is the intent of the Town of Oakland to provide a safe, enjoyable, and pedestrian-friendly environment. To facilitate this, pedestrian ways located adjacent to rights-of-way will be serpentine in design, and will be a minimum of eight feet wide. All other pedestrian ways will be a minimum of six feet wide. This will allow groups of people to walk comfortably together and pass other groups of pedestrians. It should be noted that the Town of Oakland will grant variances from this requirement only where extreme circumstances prevail.

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 or markings.

Brick or other specialty pavers meeting the approval of the Development Review Committee, shall be provided at all right-of-way crosswalks. These pavers shall emanate a minimum of eight feet from the intersection of the pedestrian path and the right-of-way.

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.

14. Site Furnishings: A minimum of (2) benches and (1) trash receptacle will be provided per parcel, or per 400 linear feet of frontage, which ever is greater. For parcels with frontage on two 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.

B. Old Town Corridor

The purpose of this section is to provide standards which will promote development that will preserve and enhance the small-town charm and historic flavor that is characteristically Oakland. This includes a pedestrian scale that attracts people to walk and bicycle throughout both residential and non-residential areas, and an architectural design that resembles "turn-of-the-century small town" and "cracker" style
1. **Building Orientation:** Buildings shall have as the primary customer entrance, an entrance along the facade that faces Oakland Avenue. Additionally, secondary entrances facing other public streets or adjacent buildings shall be encouraged.

2. **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.

3. **Parking:** Parking areas and driveways shall be designed to establish a logical pattern of pedestrian access, traffic flow, and parking lots with visible connections between building entrances, parking lot entrances, roads, parking spaces, sidewalks, and adjacent projects.

4. **Facade:** Exterior building materials shall consist of or accurately resemble brick, or horizontal or vertical wood siding. Historically correct architectural details, such as door framing, window framing, and corner framing shall be provided. Exposed concrete block shall not be allowed. Alternative exterior building materials appropriate within the Corridor area shall include coquina stone/facing, shell-based stucco, or brick, provided that such materials comprise no more than one-third of any building elevation visible from a public right-of-way. (See illustration 9)

5. **Roofs:** All roof materials shall be comprised of metal shingles, corrugated metal sheet, V-crimp metal sheet, or standing seam metal sheet. Alternative roof materials may be considered, so long as they meet the historical design intent of this Ordinance. Metal roofs, if painted, shall be painted a color compatible with the color scheme of the structure.

All buildings shall incorporate sloped roofs. All roofs will be required to display exposed functional or non-functional rafters with an overhang. Flat roofs may be permitted for up to one-fourth of the building footprint, provided that a sloped roof structure with exposed rafters and a decorative tower, cupola, or railing is provided. Flat roofs must also have a cornice detail consisting of, or accurately simulating, wood, and projecting from the building face. Where flat roofs are integrated into predominately sloping roof structures, the top shall be finished with a decorative railing as shown in illustration 10. Where hip roofs are utilized, a cupola shall be provided as shown. The minimum permitted slope shall be 8:12. The use of dormers is strongly encouraged. Entirely flat roofs may be considered if the structure obviously meets the historical design intent of this ordinance. In such cases, careful consideration will be given to how well the applicant has integrated other elements of this ordinance within the project.

6. **Windows:** False or real windows shall be provided on all elevations visible to motorists or pedestrians. Window openings shall appear to be vertical in nature with a minimum of one and one-half (1.5) feet of vertical height for every one foot of vertical width. Secondary windows situated on the sides or rear of the building, in a clerestory with lower windows, in the gables, or in dormers, may have a proportion of one (1) foot of vertical height for every one (1) foot of horizontal width provided such windows are divided with fixed Mullions, on the interior. False Mullions on the interior of glass are prohibited.

Windows shall appear to be casement or double-hung. The use of fixed glass and/or false exterior Mullions shall be permitted. The use of closed shutters, three-sided fabric awnings, spandrel glass, or other appropriate vernacular architectural feature shall be permitted to achieve the vertical look.

For windows with shutters, the shutter dimensions shall be appropriately scaled to the window so as to give the appearance of operable shutters. In the event that shutters are used to create verticality as required above, the shutters do not have to provide the appropriate vertical dimension.
7. **Colors:** Exterior building materials, unless natural stone or brick shall be painted with earth-tone colors. Where two or more exterior building materials are utilized, each shall be painted a different color. All wood trim, rafters, eaves, corner trim, window trim, brackets, fences, and other wood trim or supporting components shall be painted a contrasting light color. Doors, garage doors, windows, and shutters shall be painted a non-white color that is different from the exterior building materials. No two buildings that share the same property line shall be permitted to have exterior building materials painted the same color. Dayglow, fluorescent, and visually overwhelming colors which are in stark contrast to surrounding buildings, and which call undo attention to the property, shall not be permitted. Likewise, color schemes that are determined by the Town to be excessive, gaudy, or otherwise out of character with the spirit of this Ordinance, shall also be prohibited. The fact that certain colors are "corporate" or "signature" colors shall not be grounds for waiver from this provision. 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. Applicants questioning the applicability of this section to their project should seek clarification from the Planning and Zoning Advisory Board.

8. **Architectural Design Alternative:** Applicants have the option of submitting plans which may differ somewhat from the design specifics of the above criteria (items 4, 5, 6, and 7 only), if:
   a. Said plans are entirely in keeping with the "Old Town" and "Cracker" style architectural design, yet not accommodated by the above standards; and
   b. Said plans offer both innovative design, and sufficient additional amenities in lieu of any items listed above that will not be included on site; and
   c. Said plans do not attempt to alter site design standards outside those listed in 4, 5, 6 and 7 above; and
   d. Said plans, when submitted, specifically state that the plans are submitted using the "Architectural Design Alternative", and all areas where the proposed design differs from this Ordinance are well delineated.

9. **Blank Wall Areas:** Elements of design such as color, shape, architectural banding, pattern change, material and form change, etc., shall be used to break up large areas of blank wall space that are visible from any right-of-way or parking area. Blank areas shall not exceed 20 feet in horizontal direction, nor 10 feet in vertical direction.

10. **Lighting:** All roadways, driveways, entryways, parking areas, public areas, and walkways shall be adequately lighted with decorative (antique in appearance) light fixtures painted black or forest green in color. To provide cohesiveness, lights will be similar or identical in design as those used on adjacent parcels, if said lighting complies with this Ordinance. Illumination onto adjacent properties shall not exceed 0.5 foot-candles. Maximum height for lighting in parking areas shall be 16 feet, including base. Maximum height for pedestrian areas & walkways shall be 12 feet. Light fixtures will be designed to minimize light pollution and light bleed onto other properties.

11. **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 (see illustration 12).
All stormwater facilities will be designed with 5:1 side slopes to 2 feet below the normal water level (NWL) and permitted 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, decorative yet functional, and in good condition.

12. **Drainage:** Where appropriate, curb and gutter drainage will be required. Certain considerations may be made with regard to landscape requirements to accommodate drainage improvements. The Town Engineer shall make the determination as to what improvements are required.

13. **Pedestrian Walkways:** Pedestrian ways, linkages, and paths shall be provided from the building entry(s) to surrounding streets and external sidewalks. Pedestrian ways shall be designed to provide access between parking areas and the building entrance in a safe and coordinated manner.

Pedestrian ways will be a minimum of six feet wide and will be of 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 or markings.

Brick or other specialty pavers meeting the approval of the Development Review Committee, shall be provided at all right-of-way crosswalks. These pavers shall emanate a minimum of eight feet from the intersection of the pedestrian path and the right-of-way

14. *Site Furnishings:* A minimum of (2) benches and (1) trash receptacle will be provided per parcel, or per 400 linear feet of frontage, which ever is greater. For parcels with frontage on two 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 parcel will provide at least one bicycle rack. All benches, trash receptacles, and bike racks will be antique in design and have all metal surfaces painted black or forest green.

**Section 16.12 SIGNS; NON-CONFORMING SIGNS**

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. Most importantly, excessive signage is unaesthetic and detracts from development without regard for landscaping or architecture.

A. Signage for *individual* commercial or industrial projects:

1. **Wall signs.** The maximum allowable wall sign area shall be 1.5 square feet per one linear foot of building frontage. Total sign area shall be the sum of all sign areas excluding window signs or opening banners. No individual wall sign shall exceed 80 square feet in size. Maximum vertical dimension shall not exceed 25 percent of the building height. Additional wall sign area of one square foot per tenant front foot shall be allowed for miscellaneous wall signage to include window signs, poster frames, and similar signs supplementary to identification signs. These signs MUST be located inside the building. Additionally:

2. **Ground signs:**
   a. Only one ground sign shall be allowed per developed parcel.
   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 (see illustration 13 below).
   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 be 48 square feet along Highway 50, and 32 square feet along all other roadways.

3. **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.
B. Shopping centers: Shopping centers may be permitted signage under this section. However, the following criteria are to be considered guidelines 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.

1. Monument Signs:
   a. 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.
   b. 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.
   c. Maximum height shall be 12 feet, setbacks from side lot lines shall be 50 feet, or equidistant.

2. Wall signs for individual tenants within centers:
a. 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.

b. 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.

3. 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.

4. 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.

5. Message. Neither the sign nor its pans shall move, rotate or use flashing lights.

6. 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.

7. Prohibited signs. Off premise signs, portable signs, pole signs not constructed similar to Illustration 13, 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.

8. Real estate signs. All real estate signs as defined and controlled by code requirements.

9. 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.

10. 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:

<table>
<thead>
<tr>
<th>Sign Cost or Renovation Cost</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>$101.00 to $1,000.00</td>
<td>3</td>
</tr>
<tr>
<td>$1,001 to $3,000.00</td>
<td>4</td>
</tr>
<tr>
<td>$3,001.00 and above</td>
<td>5</td>
</tr>
</tbody>
</table>

a. Any owner of a sign who desires to rely upon and 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.

11. 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.
Section 16.13 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 16.14 WALLS AND FENCES
A. 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 are brought to the attention of, and approved by, the
Town Commission.
B. 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. 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.

Section 16.15 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 within the Gateway Corridors, except in areas designated and
designed for that purpose.
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.
C. No commercial or recreational vehicles shall be parked in areas other than those specifically planned for that purpose.

**Section 16.16 SCREENING OF MECHANICAL UNITS**

Mechanical equipment and appurtenances such as air conditioner units, veneration equipment, refrigeration systems, heating units, 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 16.17 STORAGE / SERVICE AREAS; MISCELLANEOUS**

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 condition.

B. No outside display of products of any kind, exclusive of the following, shall be permitted unless located in a fully screened enclosure: new and used motor vehicles (including boats, R.V.'s, motorcycles, personal watercraft, etc.), plant nurseries, and lumber yards. Outside display of the aforementioned vehicles must be on a well-maintained impervious surface. No more than 50% of the vehicles displayed may be forward of the front building line.

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 Development Review Committee.

**Section 16.18 VARIANCES / SPECIAL EXCEPTIONS**

Developments within Industrial zoning districts may request relief from certain provisions of this ordinance, if the applicant can demonstrate that the stated requirements would cause an undue hardship that merits special exception. Such requests will follow the Special Exception process as provided in the Zoning Code. All other requests will follow the Variance process.

**Section 16.19 PENALTIES**

A. No building permit shall be issued until all provisions of this chapter are met.

B. A Certificate of Occupancy shall not be issued for any structures until final approval by Town. This approval to include all provisions of this chapter.
ARTICLE XVII  Tree Protection

Section 17.1 Arbor Regulations.

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. Development applications under review at the time of adoption of this ordinance shall be subject to all of the terms and conditions of this ordinance.

Section 17.2 Purpose.

The purposes of this Article 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 Article 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. This Article is not intended to be punitive or to cause hardship to any person who uses the utmost care and diligence to protect trees or shrubs within the Town or on Town property.

Section 17.3 Definitions.

Words and phrases used in this chapter that are not specifically defined in this section shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**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.

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

**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.

**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

**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.

**Land clearing:** The removal or grubbing, by any means, of any type of vegetation from land, not including, however, removal of trees greater than six (6) inches DBH.
**Major root:** Any root that is one-fifth the size of a tree's trunk DBH or larger.

**Park Trees:** Trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the Town, or to which the public has free access as a park.

**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 this Article, 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 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.

**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.

**Tree removal:** Shall mean any act which will cause a tree to die within a period of two years, e.g., damage inflicted upon the root system by heavy machinery; changing the natural grade above the root system or around the trunk; damage inflicted on the tree permitting infection or pest infestation or application of any chemical; or paving with concrete, asphalt, or other impervious material to within six feet of the outside diameter of trees, without prior approval from the Town of Oakland.

**Section 17.4 Creation and Establishment of a Town Tree Board**

There is hereby created and established a Town Tree Board (hereinafter described as “Board”) for the Town of Oakland, Florida. The composition of the Tree Board shall be determined by the Town Commission.

A. **Compensation.** Members of the Board shall serve without compensation.

B. **Duties and Responsibilities.**

1. It shall be the responsibility of the Board to study, investigate, counsel, and develop and update regularly, a plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in all other public areas. Such plan will be presented to the Town Commission and, upon their acceptance and approval, shall constitute the official comprehensive tree plan for the Town of Oakland, Florida.

2. Upon adoption of the comprehensive tree plan, the Town Manager shall have responsibility for day-to-day tree care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in all other public areas.
3. The Board, when requested by the Town Commission of the Town of Oakland, shall consider, investigate, make findings of fact, report, and make recommendations upon any special matter or question coming within the scope of its duties.

C. Operation.
   1. The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its actions. A majority of the members shall constitute a quorum for the transaction of business.
   2. Street Trees to be Planted: The list of acceptable street trees shall be “approved plants”. No species other than those included in said list may be planted as Street Trees without written permission of the Town Tree Board.

D. Review by Town Commission. The Town Commission shall have the right to review the conduct, acts, and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Manager regarding trees to the Town Tree Board. An appeal of any decision of the Town Tree Board will be heard by the Town Commission who may make the final decision.

Section 17.5 Rights-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, upon adoption of this code, 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

B. Trees along rights-of-way
   1. Distance from edge of pavement/curb, sidewalk, street corner. No trees may be planted closer to any edge of pavement, curbline, 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, curbline, or intersecting edge of pavement.
      b. Understory trees or palms with normal growth to 15 to 25 feet in height at full growth shall have a minimum setback of three feet
c. Large trees or palms with normal growth of 25 feet and above in height at full growth shall not be located between the street and the sidewalk; and shall have a minimum setback of five feet from sidewalks or driveways.

2. **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 at least 25 feet.
   b. Trees or palms with normal growth to 25 to 40 feet in height at full growth shall be spaced at least 35 feet.
   c. Trees with normal growth to 40 or more feet in height at full growth shall be spaced at least 45 feet.
   d. Town may authorize clustering of trees where appropriate.

3. **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-visiblity 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.

**Section 17.6 Avoidance of 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.
   3. No tree shall be planted within drainage swales or ditches.
Section 17.7 Private 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.

Section 17.8 Arbor permit required.

Arbor permits shall be issued in such a way as may be prescribed by the town and may set forth in detail the conditions upon which the arbor permit is granted. One arbor permit may cover several trees or groups of trees as long as the same tree line can be clearly identified thereon; provided, however, no arbor permit may be issued for more than one parcel or area of land unless said parcels or areas of land shall be contiguous to one another.

A. No person shall, directly or indirectly, put down, destroy, remove or move; or effectively destroy through damaging; or authorize the cutting down, destroying, removing, moving or damaging of any protected tree situated on property within the Town of Oakland without an arbor permit having first been obtained.

B. No person shall trim or prune a specimen tree in such a way as to cause damage to the tree without an arbor permit having first been obtained.

C. No person shall undertake land clearing, where protected trees are present, without obtaining an arbor permit from the town.

Section 17.9 Exemptions.

A. Utility operations. Tree removals by duly constituted communication, water, electrical or other utility companies or federal, state, county or town agencies, or engineers or surveyors working under a contract with such utility companies or agencies, shall be exempt, provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers, and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Safety Codes as necessary to achieve safe electrical clearances.

B. Emergencies. During emergencies caused by hurricane or other disaster, the town may suspend these tree protection regulations and may not be for an indefinite period.

1. In the event that any tree endangers the health, safety or welfare of the community and requires immediate removal without delay, such as emergencies including but not limited to the cutting of fire lanes by firefighting units, hurricanes, windstorms, floods, freezes, or other disaster, such removal will not require consent or permitting.

2. In anticipation of an emergency situation such as a hurricane, permitting requirements may be waived by the town commission for a specific length of time.

C. Maintenance by town crews. The town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the illumination lines of lights, streets, and public grounds as may be
necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public
grounds. The town shall not have to obtain an arbor permit in its ability to cause removal of any dead or
diseased trees or prune on public property within the town.

D. Tree Board. The Town Tree Board may remove or cause to be removed, any tree or part thereof which
is in an unsafe condition or which by reason of its nature is injurious to sewers, electric lines, gas lines,
water lines, or other public improvements, or is affected with any injurious fungus, insect, or pest.

Section 17.10 Applications and procedures.
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. No arbor permit shall be issued for removal or alteration of a specimen tree unless one of the
following conditions exist as determined 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.
   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.

2. All trees that are removed or destroyed shall be relocated or replaced in accordance with tree
replacement section of this code.

B. Tree trimming or pruning

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 Development Review Committee 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 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.

Section 17.11 Duration of arbor permit.

Each Arbor Permit shall remain in effect for one year from the date of issuance. If the action applied for is not completed within the permit’s effective date, a new Arbor Permit must be obtained.

Section 17.12 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, 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. 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 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 area over 6,000 square feet, for land clearing and replacement of protected trees other than specimen 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.

Section 17.13 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 Article. 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 Article.

   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 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 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.

1. 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 17.14 Required landscaping.

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 anytime, unless otherwise exempted by the regulations of this Article.

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.

A. Residential

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.

B. Commercial- Refer to the Landscape requirements in the Gateway Corridor Overlay Standards.

Section 17.15 Approved plants.

Fifty percent of the total number of trees and 25 percent of individual plants 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. Trees other than those listed below must be approved by the town.

a. Preferred native trees:

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Mature Height</th>
<th>Shade</th>
</tr>
</thead>
<tbody>
<tr>
<td>American elm, White elm</td>
<td>Ulmus americana</td>
<td>40+</td>
<td>shade</td>
</tr>
<tr>
<td>American holly</td>
<td>Ilex opaca</td>
<td>40+</td>
<td>shade</td>
</tr>
<tr>
<td>Basswood</td>
<td>Tilia americana</td>
<td>40+</td>
<td>shade</td>
</tr>
<tr>
<td>Cherry laurel</td>
<td>Prunus caroliniana</td>
<td>40+</td>
<td>shade</td>
</tr>
<tr>
<td>Dahoon</td>
<td>Ilex cassine</td>
<td>&lt;40</td>
<td></td>
</tr>
<tr>
<td>East Palatka holly</td>
<td>Ilex attenuata</td>
<td>&lt;40</td>
<td>shade</td>
</tr>
<tr>
<td>Florida elm</td>
<td>Ulmus florida</td>
<td>40+</td>
<td>shade</td>
</tr>
<tr>
<td>Flowering dogwood</td>
<td>Cornus florida</td>
<td>&lt;40</td>
<td></td>
</tr>
<tr>
<td>Fringe tree</td>
<td>Chionanthus virginicus</td>
<td>&lt;25</td>
<td></td>
</tr>
<tr>
<td>Hackberry</td>
<td>Celtis laevigata</td>
<td>&lt;40</td>
<td>shade</td>
</tr>
<tr>
<td>Laurel oak</td>
<td>Quercus larifolia</td>
<td>40+</td>
<td>shade</td>
</tr>
<tr>
<td>Scientific Name</td>
<td>Common Name</td>
<td>Mature Height</td>
<td>Shade</td>
</tr>
<tr>
<td>-------------------------</td>
<td>----------------------</td>
<td>---------------</td>
<td>--------</td>
</tr>
<tr>
<td>Live oak</td>
<td>Quercus virginiana</td>
<td>40+</td>
<td>shade</td>
</tr>
<tr>
<td>Loblolly bay</td>
<td>Gordonia lasianthus</td>
<td>40+</td>
<td></td>
</tr>
<tr>
<td>Long leaf pine</td>
<td>Pinus palustris</td>
<td>40+</td>
<td></td>
</tr>
<tr>
<td>Red bay</td>
<td>Persea borbonia</td>
<td>&lt;40</td>
<td>shade</td>
</tr>
<tr>
<td>Redbud</td>
<td>Cercis canadensis</td>
<td>&lt;40</td>
<td>shade</td>
</tr>
<tr>
<td>Red maple</td>
<td>Acer rubrum</td>
<td>40+</td>
<td></td>
</tr>
<tr>
<td>Sand live oak</td>
<td>Quercus geminata</td>
<td>&lt;40</td>
<td>shade</td>
</tr>
<tr>
<td>Scrub hickory</td>
<td>Carya floridana</td>
<td>&lt;25</td>
<td></td>
</tr>
<tr>
<td>Slash pine</td>
<td>Pinus elliottii</td>
<td>40+</td>
<td></td>
</tr>
<tr>
<td>Southern magnolia</td>
<td>Magnolia grandiflora</td>
<td>40+</td>
<td></td>
</tr>
<tr>
<td>Southern red cedar</td>
<td>Juniperus silicicola</td>
<td>40+</td>
<td>shade</td>
</tr>
<tr>
<td>Spanish oak/Shumard</td>
<td>Quercus shumardii</td>
<td>40+</td>
<td>shade</td>
</tr>
<tr>
<td>Sweet bay</td>
<td>Magnolia virginiana</td>
<td>&lt;40</td>
<td>shade</td>
</tr>
<tr>
<td>Sweet gum</td>
<td>Liquidambar styracifua</td>
<td>40+</td>
<td></td>
</tr>
<tr>
<td>Sycamore</td>
<td>Plantanus occidentalis</td>
<td>40+</td>
<td>shade</td>
</tr>
<tr>
<td>Tulip tree</td>
<td>Liriodendron tulipfera</td>
<td>40+</td>
<td>shade</td>
</tr>
<tr>
<td>Wax myrtle</td>
<td>Myrica cerifera</td>
<td>&lt;25</td>
<td></td>
</tr>
<tr>
<td>Water oak</td>
<td>Quercus nigra</td>
<td>40+</td>
<td>shade</td>
</tr>
<tr>
<td>Winged elm, Cork elm</td>
<td>Ulmus alata</td>
<td>40+</td>
<td>shade</td>
</tr>
<tr>
<td>Yaupon</td>
<td>Ilex vomitoria</td>
<td>&lt;25</td>
<td></td>
</tr>
</tbody>
</table>

b. Additional trees but not necessarily native:

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Mature Height</th>
<th>Shade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crepe myrtle</td>
<td>Lagerstroemia indica</td>
<td>&lt;25</td>
<td></td>
</tr>
<tr>
<td>Drake elm</td>
<td>Ulmus sempervirens</td>
<td>&lt;40</td>
<td>shade</td>
</tr>
<tr>
<td>Weeping willow</td>
<td>Salix babylonica</td>
<td>&lt;40</td>
<td>shade</td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acacia sweet</td>
<td>Acacia spp.</td>
</tr>
<tr>
<td>Beauty berry</td>
<td>Callicarpa americana</td>
</tr>
<tr>
<td>Blueberry</td>
<td>Vaccinium darowii</td>
</tr>
<tr>
<td>Blackberry</td>
<td>Rubrus spp.</td>
</tr>
<tr>
<td>Carolina aster</td>
<td>Aster caroliniana</td>
</tr>
<tr>
<td>Common Name</td>
<td>Scientific Name</td>
</tr>
<tr>
<td>-------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Carolina holly</td>
<td>Ilex ambigua</td>
</tr>
<tr>
<td>Coral bean</td>
<td>Erythrina herbacea</td>
</tr>
<tr>
<td>Christmas berry</td>
<td>Lygium carolinanum</td>
</tr>
<tr>
<td>Coontie</td>
<td>Zamia pumila</td>
</tr>
<tr>
<td>Dangleberry</td>
<td>Gayluassia frondosa</td>
</tr>
<tr>
<td>Dune Sunflower</td>
<td>Helianthus debilis</td>
</tr>
<tr>
<td>Dwarf huckleberry</td>
<td>Gaylussia dumosa</td>
</tr>
<tr>
<td>Firebush</td>
<td>Hamelia patens</td>
</tr>
<tr>
<td>Florida anise</td>
<td>Illicium floridana</td>
</tr>
<tr>
<td>Florida evergreen blueberry</td>
<td>Vaccinium myrsinites</td>
</tr>
<tr>
<td>Florida privet</td>
<td>Fœstiera segregata</td>
</tr>
<tr>
<td>Gallberry</td>
<td>Ilex glabra</td>
</tr>
<tr>
<td>Honeysuckle azalea</td>
<td>Rhododendron canescens</td>
</tr>
<tr>
<td>Ironweed</td>
<td>Vermonia gigantea</td>
</tr>
<tr>
<td>Lencothoe</td>
<td>Agarista popalifolia</td>
</tr>
<tr>
<td>Marlberry</td>
<td>Ardisia escallanoides</td>
</tr>
<tr>
<td>Needle palm</td>
<td>Raphidophyllum hystrix</td>
</tr>
<tr>
<td>Passion flower</td>
<td>Passiflora incarnata</td>
</tr>
<tr>
<td>Palmetto dwarf</td>
<td>Sabal minor</td>
</tr>
<tr>
<td>Red chokeberry</td>
<td>Aronia arbutifolia</td>
</tr>
<tr>
<td>Saw palmetto</td>
<td>Serenoa repens</td>
</tr>
<tr>
<td>Scrub palmetto</td>
<td>Sabal etonia</td>
</tr>
<tr>
<td>Scrub pawpaw</td>
<td>Asimina oovovata</td>
</tr>
<tr>
<td>Shiny lyonia</td>
<td>Lyonia lucida</td>
</tr>
<tr>
<td>Simpson Stopper</td>
<td>Myrcianthes simponii</td>
</tr>
<tr>
<td>Snowberry</td>
<td>Chiococca spp.</td>
</tr>
<tr>
<td>Staggerbush</td>
<td>Lyonia fruticosa</td>
</tr>
<tr>
<td>Star anise</td>
<td>Illicium paryiflorum</td>
</tr>
<tr>
<td>Strawberry bush</td>
<td>Euonymus americanus</td>
</tr>
<tr>
<td>Swamp azalea</td>
<td>Rhododendron viscosum</td>
</tr>
<tr>
<td>Tar flower</td>
<td>Befaria racemosa</td>
</tr>
<tr>
<td>Tough bumelia</td>
<td>Bumelia tenax</td>
</tr>
<tr>
<td>Walters viburnum</td>
<td>Viburnum ovovatum</td>
</tr>
<tr>
<td>Wild coffee</td>
<td>Psychotria nervosa</td>
</tr>
<tr>
<td>Winged sumac</td>
<td>Rhus copallina</td>
</tr>
<tr>
<td>Yaupon Holly</td>
<td>Ilex vomitoria</td>
</tr>
</tbody>
</table>

e. The following are designated vines:
Common Name | Scientific Name
--- | ---
Coral honeysuckle | *Lonicera sempervirens*
Marine ivy | *Cissus incisa*
Morning glory | *Ipomoea stolonifera*
Sarsaparilla vine | *Smilax pumila*
Trumpet vine | *Campsis radicans*
Virginia creeper | *Parthenocissus quinquefolia*
Yellow jassamine | *Gelsemium sempervirens*

B. *Nuisance plants*

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

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian pine</td>
<td><em>Casuarine species</em></td>
</tr>
<tr>
<td>Brazilian pepper</td>
<td><em>Schinus terebinthifolius</em></td>
</tr>
<tr>
<td>Cajeput or punk tree</td>
<td><em>Melaluca leucadendra</em></td>
</tr>
<tr>
<td>Cama eucalyptus</td>
<td><em>Eucalyptus camaldulensis</em></td>
</tr>
<tr>
<td>Chinaberry</td>
<td><em>Melia azedarch</em></td>
</tr>
<tr>
<td>Chinese tallow</td>
<td><em>Sapium sebiferum</em></td>
</tr>
<tr>
<td>Ear tree</td>
<td><em>Enterlobium cyclacarpum contortisiliquum</em></td>
</tr>
<tr>
<td>Eucalyptus robusta</td>
<td><em>Eucalyptus spp.</em></td>
</tr>
<tr>
<td>Jacaranda</td>
<td><em>Jacaranda acutifolia</em></td>
</tr>
<tr>
<td>Monkey puzzle</td>
<td><em>Auracaria wrightii</em></td>
</tr>
<tr>
<td>Silk oak</td>
<td><em>Grevillea robusta</em></td>
</tr>
</tbody>
</table>

2. 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 17.16 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 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:

<table>
<thead>
<tr>
<th>Setback from Trunk</th>
<th>6-12 Inch DBH</th>
<th>12 Inch DBH or Greater</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 feet</td>
<td>6 feet</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

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 Development Review Committee, upon the advice of the Planning Director, 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 is 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 Planning Director, lesser protective measures than those described above may be taken. The Planning Director 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.

Section 17.17 Administration and enforcement.

A. Penalties. Any land clearing or tree removal violation of this section, as well as any failure to maintain or protect trees in accordance with landscaping and tree regulations, shall be deemed to be a violation of the Oakland Code of Ordinances and punishable pursuant to F.S. ch.162 and this Article of the Oakland Zoning Code.

B. Correction of nuisance by the town. Upon determination by the town that a nuisance violation exists, the property owner shall be notified of the violation, the required corrective action, and the time period for which the violation must be corrected; this time period shall not be more than 30 days or less than ten days (unless there is an immediate threat to public safety) from the receipt of the notice. In the event the owner shall not correct the violation within the established timeframe, the town may cause the corrective action and shall bill the property owner for the cost of such action plus any administrative fees as determined by the town. The finance director shall have the discretion to allow the property owner to pay the bill in installments, in which event an annual interest rate of eight percent shall be applied to the unpaid balance, until paid in full. The finance director shall also have the authority to issue such invoices on the monthly water bill for the respective property. If the property owner fails to pay the full cost or to enter into a repayment agreement with the town within 30 days of issuance of the invoice, or the property owner defaults on a payment schedule, the town may file a lien against the property for the unpaid balance.
C.  **Illegal land clearing or tree removal.** Penalties for violations of this section shall be as specified in F.S. § 162.09 and Chapter 2, Section 2-148, Code of Ordinances, Town of Oakland, Florida and the following:

   1. Subject to the maximum fines pursuant to F.S. § 162.09, if protected trees are illegally removed from the site, the fine shall be $50.00 per one inch DBH removed in addition to the land clearing fine.

   2. In addition to the above fines, tree replacement shall be required at a four inch to one inch (4:1) ratio.

D. **Trees damaged during construction.** Subject to the maximum fines pursuant to F.S. § 162.09, if damage occurs to a tree designated to be protected during construction and the tree has to be removed due to the damage, then a fine of $100.00 per tree shall be imposed in addition to the required tree replacement, at a four inch to one inch (4:1) ratio.

E. **Appeals.** Any person or party aggrieved by an administrative decision or order of town personnel in the implementation and enforcement of the provisions of this section may appeal to the Town Commission upon payment to the town of a fee of $100.00, setting forth the facts and reasons why it is believed the administrative decision or order is not reasonable or in the public interest, according to the spirit and intent of this code.
ARTICLE XVIII. OFF-STREET PARKING AND LOADING REGULATIONS

Section 18.1 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 by adding dwelling units, guest rooms, floor area, seats, or by increasing employment, according to the following minimum requirements:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement or assembly places containing fixed seats</td>
<td>1 space for each 3 fixed seats provided for patron use, plus 1 space per employee.</td>
</tr>
<tr>
<td>Amusement or assembly places without fixed seats (go-cart tracks, miniature golf courses, driving ranges and other similar outdoor uses)</td>
<td>1 space for each 3 patrons, plus 1 space for each employee</td>
</tr>
<tr>
<td>Clubs, lodges, fraternities</td>
<td>1 space for each bedroom, plus 1 space for each 5 members.</td>
</tr>
<tr>
<td>Day-care centers and kindergartens</td>
<td>1 space for each 10 children, plus a pick-up and drop-off area equal to 1 space for each 10 children.</td>
</tr>
<tr>
<td>Apartment of 3 dwelling units or more (efficiencies and 1 bedroom units)</td>
<td>1 and 1/2 spaces for each dwelling unit.</td>
</tr>
<tr>
<td>Apartments of 3 dwelling units or more (2 and 3 bedroom units)</td>
<td>2 spaces for each dwelling unit.</td>
</tr>
<tr>
<td>Dormitories, rooming houses and boarding houses</td>
<td>1 space for each 2 bedrooms.</td>
</tr>
<tr>
<td>Dwelling units (single family and duplex units)</td>
<td>2 spaces for each dwelling unit.</td>
</tr>
<tr>
<td>Hospitals, sanitariums, rest and convalescent homes, foster group homes, all similar institutions</td>
<td>2 spaces for each bedroom and office building criteria must be met when provided.</td>
</tr>
<tr>
<td>Hotels, motels, tourist courts</td>
<td>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.</td>
</tr>
<tr>
<td>Industrial uses, manufacturing and warehousing</td>
<td>1 space for each bay, plus 1 space for each 100 square feet of floor space.</td>
</tr>
<tr>
<td>Kennels and veterinary clinics</td>
<td>1 space for each 300 square feet of office space, animal shelter area and run areas.</td>
</tr>
<tr>
<td>Medical and dental offices and optical clinics</td>
<td>1 space for each employee, plus 2 spaces for each examination room.</td>
</tr>
<tr>
<td>Mini-warehouses up to 200 units</td>
<td>4 spaces located at office/entrance area, plus minimum 30 feet between storage buildings for driveway parking purposes</td>
</tr>
<tr>
<td>Mini-warehouses over 200 units</td>
<td>6 spaces located at office/entrance area, plus minimum 30 feet between storage buildings for driveway parking purposes.</td>
</tr>
<tr>
<td>Mortuaries</td>
<td>1 space for each 4 seats in chapel, plus 1 space for each commercial vehicle.</td>
</tr>
<tr>
<td>Office buildings, including business, commercial and government</td>
<td>1 space for each 200 square feet of floor area used for office purposes.</td>
</tr>
<tr>
<td>Use</td>
<td>Off-street Parking Requirements</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>General business establishments, such as hardware, furniture, appliance, jewelry, apparel stores, etc.</td>
<td>1 space for each 300 square feet of gross floor area; provided, however, that no use shall have less than 3 spaces.</td>
</tr>
<tr>
<td>Post offices</td>
<td>1 space for each 4 employees, plus 1 space per government vehicle, plus 4 spaces per service window.</td>
</tr>
<tr>
<td>Residential dwelling units, single family and duplex units</td>
<td>2 spaces for each dwelling unit.</td>
</tr>
<tr>
<td>Restaurants, grills, bars, lounges, similar dining and/or drinking establishments</td>
<td>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.</td>
</tr>
<tr>
<td>Personal service establishments, retail establishments, banks, financing and lending institutions</td>
<td>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.</td>
</tr>
<tr>
<td>Schools, both public and private, including elementary, middle, high schools and academies (not including colleges, universities, or similar institutions)</td>
<td>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.</td>
</tr>
<tr>
<td>Shopping centers up to 50,000 square feet gross floor area, food stores, supermarkets, and drug stores</td>
<td>5 and 1/2 spaces for each 1,000 square feet of gross floor area; provided, however, no use shall have less than 5 spaces.</td>
</tr>
<tr>
<td>Universities, colleges and similar institutions</td>
<td>1 space for each 200 square feet of classroom area and office space.</td>
</tr>
<tr>
<td>Shopping centers over 50,000 square feet gross floor area</td>
<td>5 spaces for each 1,000 square feet of gross floor area.</td>
</tr>
</tbody>
</table>

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

**Section 18.2 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.

**Section 18.3 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 300 feet from the principal use’s entrance as measured along the most direct pedestrian route.

**Section 18.4 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 Commission in order to comply with this exception:

1. Conduct a detailed 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.

Section 18.5 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 Article, 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.

Section 18.6 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.

Section 18.7 Permanent Reservation.

The area reserved for off-street parking, maneuvering or loading in accordance with requirements of this Article 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 18.8 Landscape Requirements.

Landscaping must meet the requirements of all applicable ordinances and regulations.
ARTICLE XIX. SIGN REGULATIONS

Section 19.1 Purpose, Scope and Conflict.

1. 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 Article 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.

2. Scope. This Article 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.

3. 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 Article 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.

Section 19.2 General Provisions.

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

1. Permitted signs. Signs will be permitted in all zoning districts subject to the provisions of this Article. 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.

2. Exempted Signs. The following signs may be erected without a building permit subject, however, to all other requirements of this Article. Signs larger than those designated below shall require a building permit:

   (a) 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.

   (b) Signs erected or required by governmental agencies.

   (c) Official traffic signs.

   (d) 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).
(e) Product dispensers and point of sale purchase displays.

(f) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights intended for advertising purposes.

(g) 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.

(h) 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.

(i) 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.

(j) 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.

(k) 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.

(l) Signs which are integrated into or on coin-operated and other vending machines, gasoline pumps or telephone booths.

(m) Address signs restricted to not more than one (1) for each principal building or use on a parcel of land.

(n) Christmas or holiday displays and window displays of merchandise which are changed on a regular basis, except as specifically prohibited herein.

(o) 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.

(p) Signs erected entirely within the premises of a business establishment and not designed to be viewed from the public right-of-way.

(q) Temporary political campaign signs subject to the requirements of this Article as herein described.

(r) Temporary directional signs for subdivisions subject to the requirements of this Article as herein described.

3. Prohibited signs. The following types of signs are prohibited in all districts:

(a) Any sign placed on public property, including rights-of-way, unless authorized by the Town Commission.

(b) Except as provided in herein, flags, banners, streamers, balloons, pennants, and wind-operated devices used for advertising purposes.
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.

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.

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.

Snipe signs.

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.

Freestanding signs (e.g., A-frame and menu boards).

Any portable sign, except as provided herein.

Rotating roof signs.

Roof-top billboards.

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.

4. 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 Article 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.

5. 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.

6. Lighting. Unless otherwise prohibited, all signs may be illuminated; however, no sign may use:
(a) An exposed incandescent lamp with an external reflector, without a sunscreen or comparable diffusion.

(b) 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.

(c) Public service information signs and other electronic message centers classified as changeable copy signs are not subject to this wattage rating per lamp restriction.

7. Changeable copy. Unless otherwise prohibited, any sign allowed may use manual or automatic changeable copy.

8. Compliance with other regulations. All signs shall be erected, altered and maintained in accordance with the provisions of this Article and shall be designed and installed in compliance with all applicable codes, regulations and ordinances.

Section 19.3 Sign Standards.

Only signs meeting the provisions of this Article shall be permitted.

1. Maximum allowable copy area. The total copy area of signage permitted for any given site shall be determined by one of the following formulas:

(a) Single tenant properly. Unless otherwise specified, a total of one and one-half (1 ½) square feet of sign copy area for each linear foot of principal right-of-way frontage. If the property has multiple right-of-way frontages, an additional sign copy area of one (1) square foot for each additional foot of secondary right-of-way frontage will be allowed. In computing sign copy area, standard mathematical formulas for known common shapes will be used. On any sign with more than one (1) face, only the square footage of the face visible from any one (1) direction at one (1) time will be counted, provided that all faces are equal in size and contained with a common perimeter.

(b) Multiple tenant property. A total of one-half (½) square foot of sign copy area for each linear foot of principal right-of-way frontage shall be allowed for each tenant.

2. General criteria.

a) Flagpoles in residential districts shall not exceed thirty-five (35) feet in height. Flagpoles in all other districts shall not exceed thirty-five (35) feet in height. All flagpoles shall be located so that the flag will not extend over a right-of-way.

(b) On corner lots, signs within the triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five (25) feet from the corner formed by the intersection of the street right-of-way lines, shall have a minimum clearance of the (10) feet above finished grade level.

(c) Ground signs and their supporting structures shall be kept clear of all debris.

(d) All illumination of signs 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.

(e) In all zoning districts, there shall be a minimum ten-foot setback of signs from all road rights-of-way.

(f) Illuminated signs must be UL approved.

3. Criteria for permanent on-site advertising signs.

(a) Ground signs:

(i) Maximum height: Twelve (12) feet measured from the crown of the adjacent road to the top of the sign in the commercial and agricultural districts and eight (8) feet for professional office districts when a parcel is located within one hundred (100) feet of a residential district, otherwise a maximum of ten (10) feet will be permitted.

(ii) Maximum of one (1) sign per parcel. One (1) additional sign will be permitted for parcels with right-of-way frontages in excess of two hundred (200) feet, provided that the signs are separated by a minimum of one hundred (100) feet.

(iii) Minimum setbacks: Twelve (12) feet from road right-of-way line; fifteen (15) feet from side or rear property lines; twenty (20) feet from any residential district. On corner lots, no sign shall be located within the twenty-five foot triangular area formed by measuring from the point of the intersection along the right-of-way lines and connecting the points by a line.

(iv) Maximum copy area: One hundred twenty (120) square feet per sign face in the commercial and agricultural districts and thirty-two (32) square feet in the professional office district when a parcel is located within one hundred (100) feet of a residential district, otherwise a maximum of one hundred (100) square feet will be permitted.

(v) Minimum ground clearance: Two (2) feet from finished grade level.

(vi) Permitted in all districts, except residential districts.

(b) Pylon/pole signs:

(i) Maximum height: Twenty-five (25) feet measured from the crown of the adjacent road to the top of the sign in the commercial and agricultural districts.

(ii) Maximum of one (1) sign per parcel. One (1) additional sign will be permitted for parcels with right-of-way frontages in excess of four hundred (400) feet, provided that the signs are separated by a minimum of one hundred fifty (150) feet.

(iii) Minimum setbacks: Twelve (12) feet from road right-of-way lines; fifteen (15) feet from side and rear property lines; twenty (20) feet from any residential district. On corner lots, no sign shall be located within the twenty-five foot triangular area formed by measuring from the point of the intersection along the right-of-way lines and connecting the points by a line.

(iv) Maximum copy area: Two hundred (200) square feet per sign face in the commercial and one hundred twenty-eight (128) square feet in the agricultural districts.
(v) Minimum ground clearance: Nine (9) feet from finished grade level; thirteen and five-tenths (13.5) feet if extending over a vehicular travel way.

(vi) Permitted in all districts, except residential districts.

(c) Marquee signs:

(i) No marquee sign may extend above the eave line of the roof perimeter.

(ii) May be placed on the vertical faces or on top of a marquee, but shall not project more than twenty-four (24) inches above the marquee's upper edge nor extend beyond the marquee's perimeter.

(iii) May project below the bottom of the vertical face only on an awning.

(iv) Maximum copy area: Six (6) square feet for signs attached to the bottom of a marquee.

(v) Permitted in all districts, except residential districts.

(d) Projecting signs:

(i) No sign shall project more than four (4) feet from a building wall.

(ii) The sign or its supporting structure shall not extend above the top of a parapet wall.

(iii) Minimum ground clearance: Nine (9) feet from finished grade level; thirteen and five-tenths (13.5) feet extending over any vehicular travel way

(iv) Maximum copy area: Two hundred (200) square feet or fifty (50) percent of the total copy area, whichever is less.

(v) Permitted in all districts, except residential districts.

(e) Wall signs (facia signs):

(i) May be placed on mansard roof of less than forty-five (45) degrees from the horizontal plane.

(ii) No sign shall extend above roof line, building face or parapet wall.

(iii) Maximum of one (1) sign per building face.

(iv) No sign may extend more than eighteen (18) inches from building face.

(v) Maximum copy area: Sixty (60) square feet.

(vi) Permitted in all districts, except residential districts.

(f) Directional signs:

(i) Maximum copy area: Nine (9) square feet.

(ii) Maximum height: Six (6) feet.

(iii) Minimum setback: Three (3) feet from road right-of-way lines.

(iv) May contain logo provided a minimum of fifty (50) percent of the sign shall contain directional information.
(v) Directional sign copy area will not be included in the total copy area of the site.
(vi) Permitted in all districts, except residential districts.

(g) Off-premise directional signs:
(i) Maximum copy area: Sixteen (16) square feet.
(ii) Maximum height: Ten (10) feet.
(iii) Shall be located within one thousand (1,000) feet of the advertised business.
(iv) Minimum setback: Five (5) feet from road right-of-way lines.
(v) Maximum of one (1) sign per parcel.
(vi) Permitted in all commercial districts and may be approved as a special exception in the residential and agricultural districts.

(h) Incidental signs:
(i) Maximum of four (4) signs may be attached to a ground sign, building, door or window.
(ii) May not project from a building wall.
(iii) Restricted to incidental information, including offers of trading stamps, credit cards accepted, notices of services offered or trade affiliations.
(iv) Maximum copy area per sign: Two (2) square feet.
(v) Maximum total copy area: Eight (8) square feet.
(vi) The copy area will not be included in computing the total copy area of the site.
(v) Permitted in all districts, except the residential districts.

(i) Awning signs:
(i) Maximum copy area per awning: Fifty (50) square feet.
(ii) Permitted in all districts, except the residential districts.

(j) Window signs:
(i) May not exceed twenty (20) percent of the window area of any side of the building.
(ii) Shall not be included in computing the total copy area.
(iii) Permitted in all districts, except the residential districts.

(k) Nonprofit organization signs:
(i) One permanent sign identifying nonprofit organizations, e.g., community center, church or other similar organizations located in zoning districts other than commercial or agricultural may be placed on a site.
(ii) Minimum setback: Twelve (12) feet.
(iii) Maximum copy area: Sixty-four (64) square feet.
(iv) Maximum height (if ground-mounted): Eight (8) feet.
(v) Permitted non-profit organizations in the commercial districts shall meet the appropriate sign criteria.

(l) Signs for multiple tenant properties:

(i) Identification/directory signs may be located on the site and shall be limited to the name of the structure and/or its occupants. The identification/directory sign may be incorporated into a pylon/pole sign permitted.

(ii) Maximum copy area for each individual sign on a multiple tenant sign shall be sixteen (16) square feet. Total copy area for the multiple tenant sign shall be five hundred (500) square feet and is subject to the maximum allowable copy area formula contained in the sign standards.

(iii) Shall be located a minimum of twelve (12) feet from the road right-of-way, twelve (12) feet from adjoining property lines and twenty-five (25) feet from a road intersection.

(iv) Any movie theater located in a multiple tenant structure may have one separate identification sign with a maximum copy area of one hundred fifty (150) square feet.

(v) Facia signs will be permitted for each tenant with a maximum length not to exceed fifty (50%) percent of the individual building frontage for the tenant lease space. Facia signs shall not extend above the parapet wall. Maximum copy area for a facia sign shall not exceed two (2) square feet for each linear foot of building frontage.

(vi) Multiple tenant facia signs shall not be included when calculating the total copy area of a parcel.

(vii) All other permitted signs shall be included when calculating the total copy area of a parcel.

(viii) Permitted in the commercial districts only.

(m) Subdivision, mobile home park and multi-family housing signs:

(i) Signs denoting only the name of a subdivision, mobile home park or multi-family development may be erected in such approved and constructed developments.

(ii) Maximum copy area: One hundred (100) square feet.

(iii) Ground signs shall not exceed twelve (12) feet in height, as measured from the crown of the adjacent road to the top of the sign, and wall signs shall not extend more than twelve (12) inches from the wall.

(iv) Signs shall be located at the entrance or within the entrance median of the development.

(v) Additional signs at access points along secondary right-of-way frontage may be erected only after approval and shall not exceed forty-eight (48) square feet.

(vi) No flashing lights shall be permitted.

4. Criteria for temporary on-site advertising signs:

(a) Special event signs:
(i) Temporary signs will be permitted in all zoning districts to announce special events.

(ii) Temporary signs shall not exceed forty-eight (48) square feet in area; if ground mounted shall be no more than eight (8) feet in height and shall not be illuminated.

(iii) Temporary signs may be erected no more than fourteen (14) days prior to the event to which it relates and shall be removed no more than three (3) days after the event terminates with a maximum 40 days' usage. Searchlights may be used for a maximum of 30 days in conjunction with a grand opening and for a maximum of 10 days in conjunction with a special event. No more than one (1) permit will be allowed within any six (6) month period.

(b) Real estate signs:

(i) Real estate signs up to four (4) square feet in size in residential districts, and thirty-two (32) square feet in the agricultural and commercial districts shall not require a permit.

(ii) Real estate signs in residential and professional office districts will be permitted according to the following table:

<table>
<thead>
<tr>
<th>PARCEL SIZE</th>
<th>MAXIMUM SIZE AREA</th>
<th>MAXIMUM HEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 1 Acre</td>
<td>8 square feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>1 to 5 Acres</td>
<td>16 square feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>5 to 10 Acres or more</td>
<td>32 square feet</td>
<td>12 feet</td>
</tr>
</tbody>
</table>

(iii) Real estate signs in agricultural and commercial districts will be permitted according to the following table:

<table>
<thead>
<tr>
<th>PARCEL SIZE</th>
<th>MAXIMUM SIZE AREA</th>
<th>MAXIMUM HEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 1 Acre</td>
<td>32 square feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>1 to 20 Acres or more</td>
<td>64 square feet</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

(iv) Maximum of one sign per road right-of-way frontage.

(v) Minimum setbacks: Fifteen (15) feet from side yards; five (5) feet from road right-of-way lines.

(vi) Signs exceeding 32 square feet shall be mounted on at least two (2), four-inch by four inch (4” x 4”) treated posts, or the equivalent.

(vii) Temporary real estate signs shall be removed within seven (7) days of the sale, rental or lease transaction.
(viii) Permits for real estate signs will be issued up to 365 days and may be renewed.

(c) Construction signs:
   (i) Maximum copy area: Sixty-four (64) square feet in residential districts.
   (ii) Maximum height: Fifteen (15) feet.
   (iii) Maximum of one sign per road right-of-way frontage.
   (iv) Construction signs shall be removed prior to requesting the issuance of the Certificate of Occupancy.

(d) Banner signs:
   (i) Permitted in the commercial districts only.
   (ii) No banner shall be permitted in a location which creates a traffic hazard or which creates a threat to the public health, safety and welfare.
   (iii) Banners may be permitted up to fourteen (14) days prior to and three (3) days following an event for a period up to thirty (30) days. No more than one permit will be allowed within any six-month period.
   (iv) No more than one banner may be permitted on any road right-of-way frontage of the property. The banner may be mounted on a building or other support structure. If not mounted on a building, the banner shall be set back at least fifteen (15) feet from the property lines.
   (v) Banner signs shall not exceed a height of twenty (20) feet above the ground.
   (vi) Maximum sign area: Forty (40) square feet.
   (v) No streamers, pennants, flags, ribbons, spinners, or other prohibited devices shall be included or incorporated with the display of a banner.

(e) Subdivision model home signs:
   (i) Temporary signs shall be permitted in new residential subdivisions to announce the availability of lots or living units until the last lot or residence is sold.
   (ii) Entrance sign: One sign shall be permitted at the primary entrance of the subdivision; said sign shall have a maximum copy area of thirty-two (32) square feet, shall not exceed six (6) feet in height, shall be ground-mounted, shall be at least twelve (12) feet from road right-of-way lines, and shall not be illuminated. Two pennants or flags, not exceeding six (6) square feet, may be incorporated with the entrance sign. Entrance signs shall be removed at completion or sale of units in the subdivision.
   (iii) Model home sign: Each designated model- unit within the subdivision shall be permitted one sign; said sign shall have a maximum copy area of six (6) square feet, shall not exceed four (4) feet in height, shall be at least twelve (12) feet from road right-of-way lines, and shall not be illuminated. Model home signs shall be removed within thirty (30) days of the sale of the model unit.
   (iv) Temporary directional signs shall be permitted on the interior of the subdivision
to direct people to the model home(s). Such signs shall not exceed four (4) square feet, shall not exceed three- (3) feet in height as measured from grade to the top of the sign and shall not be placed in public rights-of-way. No permit is required for these temporary directional signs.

(f) Political campaign signs or posters:

(i) Temporary political campaign signs or posters are permitted in residential districts with written permission from the affected property owner. Maximum copy area for such signs or posters shall be sixteen (16) square feet per parcel per candidate endorsed.

(ii) Political campaign signs will be permitted in all other zoning districts with a maximum copy area per parcel of thirty-two (32) square feet per endorsed candidate.

(iii) Political campaign signs shall not be placed within public rights-of-way.

(iv) Maximum height: Eight (8) feet.

(v) Campaign signs shall be erected not more than sixty (60) days prior to an election and shall be removed within seven (7) days after the election or after the campaign issue has been decided.

(vi) Political campaign signs shall be displayed in such a manner so as not to violate any of the provisions relating to prohibited signs of this Article.
ARTICLE XX. PLANNED UNIT DEVELOPMENT

Section 20.1 Purpose and Intent

The PD District is intended to provide a process for the evaluation of unique, individually planned developments which are not otherwise permitted in the zoning districts established by this Chapter. The PUD District is to be a voluntary process commenced by an applicant for such zoning designation. 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. In so doing, the PD district 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 allow Traditional Neighborhood Development as a viable development option;
3. To promote conscientious economic development;
4. To promote quality infill development which strengthens the character of the community;
5. To protect sensitive natural areas by directing growth to environmentally appropriate areas;
6. To protect, preserve and enhance the Town’s tree canopy;
7. To result in a development that is better planned, contains more amenities, and a development that is more desirable than what would be produced in accordance with typical zoning ordinance and subdivision controls;
8. To offer a functional and complimentary mix of land uses to encourage a variety of housing types;
9. To provide for ample, usable recreation and open space; and
10. To ensure compatibility with surrounding future land use designations.
11. Maintain the rural character of Oakland, such as Oakland Avenue.

Section 20.2 Definitions

Public Notice: Per Section 166.041, Florida Statutes

Building Height: For lots not requiring a retaining wall, the building height shall be measured from the simple average of foundation grade corners to the peak of the roof. For lots requiring a retaining wall, the building height shall be measured from the simple average of the lot corners to the peak of the roof.

Live/work space: A dwelling unit containing, to a limited extent, a commercial component, located on its own lot with the commercial component limited to the ground level. Customers or clients may freely come and go and non-resident employees are permitted.

Open Space, Common: Any parcel or area of land or water set aside, dedicated, designated or reserved for the use and enjoyment of the property owners and/or general public. Typical uses of common open space include, but are not limited to, recreation, parks, resource protection and conservation, wetlands, amenities, plazas and hardscapes, and landscaped bufferyards. Common open space areas may include such complementary structures and improvements as are necessary and appropriate as approved by the Town Commission. In no case shall common open space include required setback areas of lots, parking areas.
areas, existing or proposed road right-of-way, drainage ditches, or plazas/hardscapes that are not landscaped. In addition, the cumulative acreage for stormwater ponds, lakes and/or conservation areas cannot account for more than 50% of the required common open space. The stormwater ponds, as noted, may be used as counted toward common open space if they are unfenced, accessible and usable to the public, and 5% to 10% of the land area above the design high water level is landscaped.

Planned Unit Development (PUD): is interchangeable with Planned Development (PD).

Recreation, Usable: That portion of common open space that is accessible to the property owners and/or general public for active and passive activities, whether developed or not, including parks, clubhouses, trails, marina, athletic facilities and other associated facilities.

Section 20.3 Application Fees

<table>
<thead>
<tr>
<th>Application</th>
<th>Fee*</th>
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<tr>
<td>Concept Plan</td>
<td>No Charge</td>
</tr>
<tr>
<td>Land Use Plan</td>
<td></td>
</tr>
<tr>
<td>Review and Zoning Ordinance</td>
<td>$2000</td>
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<tr>
<td>Sub-Area CPP Amendments</td>
<td>$1,500</td>
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<tr>
<td>Development Plan</td>
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<tr>
<td>Review and Preliminary Plat</td>
<td>$650 plus $8 per lot</td>
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<tr>
<td>Final Subdivision Plat</td>
<td>$500 plus $8 per lot</td>
</tr>
<tr>
<td>Amendment to Approved Land Use/Development Plan</td>
<td>$750</td>
</tr>
</tbody>
</table>

*Fees do not include any advertising fees that may be required. Impact fees shall be paid at time of building permit submittal.

Section 20.4 Rezoning and Development Plan Approval Process

The planned unit development classification is a zoning district that is allowed in all future land use categories. Property rezoned to the PUD classification must meet the requirements of the rezoning procedure to include proper notification and the adoption of an ordinance approving the PUD (hereinafter know as the "Parcel Specific PUD Ordinance"). No part of the following PUD requirements may be eliminated except with the specific approval of the Town Commission through the adoption of the Parcel Specific PUD Ordinance.

Petitions for a planned unit development shall be submitted and processed as a zoning map amendment, and in accordance with the following special procedures:

1. **Review and Approval Criteria**

The Town Commission may approve a PUD 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. Concept Plan (non-binding)

a. Pre-application conference

Prior to submitting a formal application for a planned unit development, the petitioner shall confer with the Town and any other governmental agencies having jurisdiction or permitting responsibilities impacting the proposed development. The purpose of this meeting will be to acquaint the staff with the proposed project and to provide the prospective applicant with preliminary review comments to identify major concerns or the need for additional support data, and any Comprehensive Plan amendments. The concept plan shall not be binding.

b. Concept plan requirements.

The concept plan shall consist of a generalized sketch which is drawn to scale (the proportion and locations of land uses may be generalized), and which shows or addresses (with supporting information) the following items and matters:

(a) Generalized location and boundary map of the subject property including acreage.
(b) Major natural features such as lakes, streams and conservation areas.
(c) Anticipated internal major road network.
(d) Existing and proposed streets abutting the project and other major streets and intersections within five hundred (500) feet of access points to the subject property.
(e) Proposed land use types by acreage and their locations (land use or building bubbles are acceptable).
(f) Number of units and gross and net densities.
(g) Minimum lot sizes.
(h) Floor area for commercial or industrial.
(i) Adjacent zoning.
(j) Anticipated maximum building height.
(k) Anticipated phasing plan.
(l) Proposed method of providing:
   i  Water service (including fire protection and 24-hour storage volume at build-out).
   ii Sewage disposal.
   iii Reuse.
   iv Stormwater management.
   v Open Space
   vi Parks/recreation facilities.
3. **Land Use Plan**

After the Concept Plan has been reviewed, the applicant may submit detailed drawings for formal review based upon the submittal requirements outlined below.

a. **Submittals**

The Land Use Plan shall consist of the following parts: 1) a series of site and land use maps and supporting documentation, 2) a PUD zoning ordinance, 3) a Developer’s Agreement (when applicable), and 4) Sub-Area Comprehensive Plan Amendments (when applicable).

(1) **Site and Land Use Plan Maps and Documentation**

An official application for planned unit development zoning shall be accompanied by the following:

(a) **Vicinity map.** A vicinity map drawn to a scale of one inch equals 2,000 feet or such other scale as approved by the Planning Director shall be submitted and shall clearly show the site in relationship to its surroundings, including, as a minimum, all property and existing land uses within 1,000 feet of the project boundaries.

(b) **Surrounding Property Owners:** Property owners’ names and addresses within 500 feet of the exterior boundary of the property. Where lands in the vicinity include substantial acreage under unified control, the applicant may be required to submit land ownership data, including principal officers/owners and registered agent of corporately owned property.

(c) **Color Aerials:** Color aerials shall be submitted indicating the location of the PUD and proposed land use locations.

(d) **Map Scales:** All plans shall be drawn to scale, not to exceed one (1) inch equals two hundred (200) feet, unless otherwise permitted.

(e) **Property boundaries.** A certified survey delineating the location and dimensions of all boundary lines of the development, and of any contiguous lands, including those separated only by a street, canal, or similar feature, in which the developer or property owner presently has any legal interest.

(f) **Existing conditions.** The approximate location, nature, and extent of all existing easements, streets and rights-of-way, buildings, historic sites, all trees greater than or equal to 6 inches dbh, or approved by the DRC, environmentally sensitive areas, soils, watercourses, flood hazard areas, and existing topographic contours of the site at 5 ft. intervals; the names of the property owners of record and existing zoning and existing land uses for all property, drainage ways, utilities, exceptional land characteristics, Phase I environmental assessment findings (if applicable), and similar features on-site and within 500 feet of the perimeter of the PUD.

(g) **Legal description.** A legal description of the land comprising the planned unit development.

(h) **Proof of ownership.** Legal instruments acceptable to the Town Attorney which clearly indicate persons having a legal and/or equitable ownership interest in
the subject property. Where ownership resides with a publicly held corporation whose stock is traded on a nationally recognized stock exchange, the name and address of the corporation and all of its principal executive officers and/or registered agent will be sufficient with power of attorney. The documentation shall also include an affirmation that no other persons have claims or interests (known to the applicant, developer, or owners) which might affect their right to develop the entire planned unit development as proposed.

(i) **Land use.** The total project acreage, approximate location of each land use and proposed density and/or intensity, acreage by each proposed land use, dwelling unit types, general types of nonresidential uses, open spaces, recreational facilities, and other proposed uses, and list of prohibited uses. The quantitative land use data shall be illustrated in a table which clearly depicts the total number of acres allocated to each separate land use, as well as each conservation use, water bodies, recreation areas, and other similar allocation. The percentage land area allocated to all land use categories shall equal 100 percent. Land use specific development standards shall be provided as follows:

1. **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.
2. **Commercial.** Types of uses, floor area ratio, building height, setbacks and open space, impervious surface and general location.
3. **Industrial.** Types of uses, gross floor area, floor area ratio, impervious surface ratio, building height, setbacks, open space and buffers and general location.

(j) **Traffic and pedestrian circulation.** All traffic and pedestrian circulation facilities shall be delineated on the Land Use plan showing approximate locations and types of all roads, points of access and egress, proposed right-of-way widths, use of cross-easements, impacted streets, parking areas, transit stops, transit shelters, pedestrian facilities, parking and general landscaped areas. Any known concurrency issues surrounding anticipated traffic impacts should be discussed. A traffic study may be required.

(k) **Conceptual drainage plan.** A conceptual drainage plan in compliance with the SJRWMD Lake Apopka rule.

(l) **Trees:** The proposed Land Use Plan shall be overlain on a color aerial photograph at a scale of 1:100 to ascertain the general location of trees in relation to the proposed development layout. The design of the Land Use Plan and subsequent Development Plan shall include preservation of existing trees and shall follow Article XVII, Tree Protection of the Oakland Zoning Code.

(m) **Planning objectives.** A statement of planning objectives to be achieved by the planned unit development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant. The statement shall include a proviso that provisions
of the Comprehensive Plan and land development regulations shall be satisfied including preserving Oakland’s natural resources, particularly existing trees. Urban design concepts and examples of urban design features to be integrated into the plan shall be stated and/or illustrated. Objectives shall include a description of how the applicant will conform to the Gateway Corridor Overlay District design requirements and Scenic Highway initiative.

(n) **Phasing and Development schedule.** A proposed development schedule indicating the approximate starting and completion dates for the entire project and any phases thereof, together with appropriate identification and conceptual description of such phases. Each phase of development must be able to exist as an independent stable unit.

(o) **Environmental impact statement.** A statement explaining the positive and negative 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; and (d) impact to the Wekiva springshed area, (e) findings of any environmental assessment for hazardous wastes, brownfield or other contamination, and (f) other significant natural features of site.

(p) **Concurrency management.** A preliminary assessment of the proposed development’s impact on available concurrency facilities capacity shall be submitted. The assessment shall provide at a minimum for the following:

i Water service including fire flows, 24-hour storage volume at build-out, and gallons per day.

ii Sewage disposal, plus gallons per day generated.

iii Reuse water for lawn irrigation.

iv Stormwater management concept.

v School age population and available school capacity.

vi Parks/recreation facilities.

(q) **Communication Towers:** The proposed location(s) and height(s) of communication towers.

(r) **Additional information.** Any other additional material and information as the Administrative Official, Planning and Zoning Board or Town Commission may reasonably require.

**2) Planned Unit Development Rezoning Ordinance**

The PD rezoning ordinance will be processed at the same time as the site and land use map, and documentation portion is being processed. The final reading and approval of the ordinance shall not be approved until such time as all factors relating to the development of the property are resolved. These factors include, but are not limited to, design guidelines and standards, building styles and transportation issues.

The adoption process shall follow the regular rezoning process including all required public hearings and public notification in accordance with the Town of Oakland’s Zoning regulations and Chapter 166.041, Florida Statutes.
(3) Developer’s Agreement

A Developer’s Agreement may be required between the applicant and the Town to memorialize agreed upon improvements to infrastructure, or monetary contributions in lieu of construction of said improvements, responsibility for those improvements and timing of construction. If a Developer’s Agreement is required, it must be recorded with the first phase, preliminary plat approval.

(4) Sub-Area Delineation and Comprehensive Plan Amendments

At the applicant’s request, an entire PUD or portion of a PUD may be identified as a Sub-Area plan. Sub-Areas must meet the following criteria:

(a) Comprehensive Policy Plan Text Amendment.

Sub Areas shall be identified in The Oakland Comprehensive Policy Plan in the form of a comprehensive policy plan text amendment, which will create a named sub area. Sub areas shall be defined by specific property boundaries, including a complete legal description and sketch or survey of property boundaries.

(b) Comprehensive Plan Future Land Use Designation.

The overall residential densities, non-residential intensities and generalized land uses within a sub area shall be consistent with the future land use categories identified in the Town of Oakland Future Land Use Element. Subject to approval of a Planned Unit Development Land Use Plan that identifies the proposed location of each land use, specific land uses within the sub area may float/move within the boundary of the sub 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. If not included as part of an approved sub-area Planned Development, individual lots may only develop under their existing future land use designation and as shown on the approved Land Use Plan.

(c) Size of Sub Areas.

A Planned Development Sub Area shall be a minimum of twenty-five (25) gross acres in size. Final developable land area for all sub-areas shall be determined with the Planned Unit Development, including appropriate state and local reviews of designated wetlands.

(d) Mixture of Uses.

i The Planned Unit Development sub-area may include a mixture of residential uses, including single family detached residential, single-family attached residential, and multi-family residential, such that the overall density shall not exceed the residential density allocated to the property by the underlying comprehensive future land use designation. Other land uses included shall be commercial, office, civic/institutional, open space and recreational uses.

ii Sub-areas with residential future land uses may allow a limited amount of secondary commercial uses with Town Commission approval within the residential future land use area. Such secondary commercial uses shall be community-serving and shall not exceed five (5) percent of the developable land area of a defined sub area. Commercial uses within any residential portion of a sub-area are not allowed by right, but through Town Commission
approval. The sub-area will not include any heavy commercial or heavy industrial uses not ordinarily allowed in Commercial or Industrial Future Land Uses. Commercial uses shall be approved by the Town Commission as part of the Land Use Plan approval process.

iii Residential and office uses may be allowed over first floor commercial or office uses. Office and/or commercial uses may not occupy more than 50% of the gross floor area of any building, nor more than the first story, whichever is less.

iv Live/work space may be allowed within a PUD.

b. Review and Approval

(1) Development Review Committee (DRC)
The applicant shall submit to the Planning Department, after payment of application fees, four copies of the land use plan and support data. The Planning Department shall schedule the project for review by the Development Review Committee (DRC). The DRC shall review the proposed land use plan based upon review criteria outlined in this Article, and issue a written recommendation to the Planning and Zoning Board. The burden is on the applicant to demonstrate that the development is consistent with the Comprehensive Plan, and process any Comprehensive Plan amendments as necessary.

(2) Public Workshops
Public workshops in addition to Public Hearings may be required for any PUD depending on the type, size and anticipated impacts of the development. Additional workshops will be determined by staff in consultation with the applicant. Any costs for these workshops shall be the responsibility of the applicant.

(3) Planning and Zoning Review and Recommendation

(a) Approval: Upon receipt of the DRC’s written recommendation, the Planning and Zoning Board (P&Z) shall hold a public hearing to review the application and shall submit its recommendation to the Town Commission for its official action.

(b) Denial: If the Planning and Zoning Board denies approval of the Land Use plan, the plan shall not be considered by the Town Commission unless the applicant appeals to the Town Commission. Such notice of appeal shall be in writing and must be filed with the Town Clerk within ten working days following action by the Planning and Zoning Board. The Town Commission may then overturn the Planning and Zoning Board’s denial and approve the Land Use plan with or without conditions, or uphold the denial. If the P&Z decision is not appealed to the Town Commission, the applicant may apply for another planned development including payment of new review fees.

(4) Town Commission Review and Decision
Upon a recommendation of approval or approval with conditions from the Planning and Zoning Board, the Town Commission shall consider the recommendations and comments of the Planning and Zoning Board and DRC. The Town Commission may make such investigations as may be deemed reasonably necessary to ensure conformity with the intent and requirements of this Article. The review of such additional
information shall follow the procedures applicable to the review of the conceptual development plan. The Town Commission shall approve, approve with modifications or conditions, or deny the land use plan, or may refer the plan to the Planning and Zoning Board for further consideration.

In approving a Land Use plan, the Town Commission may establish such conditions and may require such modifications as shall ensure compliance with the planned unit development standards and regulations and, further, the Town Commission may waive or modify subdivision, site plan or other zoning requirements otherwise applicable to the development when such waiver or modification is not in conflict with the Town's Comprehensive Plan or the intent and purpose of the land development regulations.

The accompanying rezoning application is granted approval with the Land Use plan approval. In the event that a Land Use plan is denied by the Town Commission, the application for rezoning shall be denied.

In the event the Land Use Plan is denied by the Town Commission after DRC and Planning and Zoning Board approval or approval with conditions, the Town Commission shall provide the applicant with the specific reasons the Land Use Plan and rezoning were denied. The applicant may resubmit the application with changes or modifications for review in accordance with the Land Use Plan approval process. Only one re-submittal shall be allowed without re-payment of PUD fees.

4. Development Plan

a. Review and Approval

The applicant shall submit to the Planning Department, after payment of the application fee, four copies of the Development Plan and supporting materials. The Development Plan may cover all or a portion of the approved Land Use Plan. The planning department shall review the plans to determine if all appropriate data and information has been properly provided.

(1) After the submittal has been accepted as complete by the Planning Department, the Development Plan shall be reviewed by the DRC in order to determine:

(a) It substantially complies with the approved Land Use Plan;
(b) It substantially complies with all applicable ordinances, regulations, policies, and the Gateway Corridor Overlay design standards, where applicable;
(c) The phase of development can exist as a stable independent unit; and
(d) Existing or proposed utility services and transportation systems are adequate for the uses proposed.

(2) The DRC shall either approve the Development Plan (which may include technical conditions consistent with applicable Town ordinances, regulations and policies) or deny the Development Plan based upon specific findings that shall be stated. If approved, the DRC shall issue a written recommendation to the Planning and Zoning Board. If denied, the applicant may appeal to the Planning and Zoning Board.

(3) Upon receipt of the DRC’s written recommendation, the Planning and Zoning Board shall hold a public hearing to review the application and shall submit its recommendation (which may include conditions of approval) to the Town Commission for Public Hearings and official action.

(4) If denied, the applicant may appeal to the Town Commission as previously stated for the Land Use Plan.

b. Submittals

The Final Development Plan shall include the following parts: 1) Final Site and Development Plan Maps and Documentation, 2) Developer’s Agreement (if applicable), 3) Preliminary Subdivision Plat (if
applicable), 4) Covenants, Conditions & Restrictions (CCR).

The applicant shall submit with each Development Plan phase submittal a written compliance statement indicating the Development Plan phase matches and is consistent with the approved Land Use Plan. Waivers from the subdivision regulations or site development standards of the PUD district shall be requested in the compliance statement. Any waivers or modifications approved by the Town Commission shall be written on the appropriate map as a note comment.

(1) Final Site and Development Plan Maps and Documentation

(a) Maps: Updated maps and materials required for approval of the Land Use plan shall be submitted for Development Plan approval. The development plan shall include the requirements of the Land Use plan together with the following:

(b) Construction and maintenance bonds. In order to protect the Town of Oakland, the owner (developer) shall supply and maintain at his expense property construction and maintenance bonds for one year after completion on all roads, sewage lines and treatment plants and water lines to points of connection to the main supply, as well as maintenance of common open space and recreation areas within the area of a planned unit development district.

(c) Development schedule. A development schedule indicating the approximate date when construction of the planned unit development or stages of the planned unit development can be expected to begin and be completed.

(d) Quantitative data.

i Total number of dwelling units by type.

ii Total parcel size.

iii Proposed lot or building site coverage by buildings and structure.

iv Proposed lot or building site coverage by impervious surfaces.

v Gross and net residential density and/or commercial intensity.

vi Proposed amount of open space.

vii Proposed amount of public lands including all dedicated rights-of-way, easements, and other lands dedicated for public facilities and services.

(e) Updated environmental impact statement and environmental survey. A statement explaining any additional information that may have been gathered or calculated since the approval of the Land Use plan concerning any positive or negative environmental impacts that may be associated with the development.

The updated environmental impact statement shall also include an environmental survey showing the existing and proposed site conditions, including contours at two-foot intervals; water bodies; 100-year floodplain and floodways; wetlands or environmentally sensitive areas; endangered or threatened flora and fauna based on Florida Game and Freshwater Fish Commission data and field investigation; wellfields; aquifer recharge areas; other unique natural features; historic features; trees and vegetative cover shown in a tree survey and superimposed upon the Development Plan, including proposed removal or relocation of trees. The environmental survey shall address any required mitigation plans emphasizing specific mitigation measures to be
employed in order to avoid adverse environmental impacts. The site plan shall also address drainage and stormwater management and the management plan shall address any measures to be used to avoid adverse offsite impacts.

(f) Updated public facility impact statement, including a concurrency management plan. The applicant shall submit a statement indicating the Development Plan complies with any and all concurrency management regulations. The statement shall also include all public facilities impact information that may be submitted as part of a development of regional impact (DRI) review process, as may be applicable. A concurrency management plan shall also be provided indicating how deficiencies will be met.

(g) Plat. A preliminary plat, prepared by a Florida registered surveyor, and site plan shall be submitted. The preliminary plat shall be submitted in accordance with the preliminary plat provisions of the subdivision regulations and Chapter 177, Florida Statutes.

(h) Site Plan: The surface water management plan shall be prepared by a Florida registered engineer. The site plan shall include maps, data and written statements necessary to show at least the following:

i Proposed lot or building site lines with dimensions, setbacks, and landscaped yards. Location and floor area size of all existing and proposed buildings, structures, and other improvements. Designation of all dwelling unit types and number of units. Net residential density calculations. Plans for nonresidential uses shall include the square footage allocated to each respective use.

ii Location, name and dimensions of all existing and proposed dedicated public lands and the conditions of such dedication.

iii The width and location of any street or right-of-way shown upon the Comprehensive Plan within or adjacent to the planned unit development and the proposed width, location and grade of all proposed street improvements proposed on- or offsite by the applicant. Where private streets and roadways are proposed or where common areas are proposed, legal instruments running with the land shall be provided which ensure perpetual maintenance. All cross-easements shall be delineated to scale on illustrations and appropriate legal instruments of dedication shall be included with the site plan.

iv Include projected trips, trip assignments to roadway network, existing and projected levels of service on impacted linkages, and proposed traffic improvements, including new facilities, additional lanes, signalization improvements, acceleration/deceleration lanes, and related system enhancements.

v Location of closest available public water supply system and proposed preliminary design for water service improvements, including existing and proposed level of service, fire hydrant location and fire flow specifications, location of proposed potable water and reuse storage facilities, location of facility improvements, and schematic drawings as required by the Town Engineer. The final construction drawings shall not be required prior to
preliminary plat approval, but shall be required prior to commencement of the installation of such improvements.

vi Area in square feet of each lot or building site, to be indicated in a rectangle within each lot or building site.

vii Typical cross sections of proposed streets, sidewalks, curbs, curb cuts, canals and ditches and other proposed improvements.

viii Location of proposed wastewater collection system and proposed preliminary design of wastewater collection improvements, including proposed location of improvements, existing and proposed level of service, and schematic drawings as required by the Town Engineer. Final construction drawings shall not be required prior to development plan approval, but shall be required prior to commencing the installation of such facilities.

ix Location of proposed improvements for collecting, treating and discharging surface drainage and the preliminary design of such facilities, including the existing and proposed level of service, and schematic drawings as required by the Town Engineer. Final construction drawings shall not be required prior to preliminary development plan approval, but shall be submitted prior to commencing the installation of such facilities.

x Location and preliminary design of proposed bridges or culverts which may be required, including the type of facility and general level of service as well as schematic drawings as required by the Town Engineer. Final construction drawings shall not be required prior to preliminary development plan approval, but shall be required prior to commencing the installation of such improvements.

xi Location and width of proposed permanent utility easements. The easements shall provide satisfactory access to existing rights-of-way or other open space shown upon the preliminary plat. Permanent drainage easements shall also be shown.

xii Where the preliminary plat covers only a part of contiguous rear property owned by the applicant, a master phasing plan shall also be required unless the application certifies that the remaining real property shall be developed independently of the proposed plat.

xiii The proposed treatment of the perimeter of the PUD, including material and techniques used, such as landscape, fences and walls for screening and buffering.

xiv Location of wetlands and/or environmentally sensitive areas located within the site. Discuss any endangered wildlife habitats or vegetative communities, wellfields, aquifer recharge areas, or wetlands which will be impacted by construction or stormwater runoff.

(i) General appearance. Graphic presentation of the general features of proposed structures, excluding single-family detached dwellings, including:

i Floor plans and square footage of all single and multifamily and nonresidential buildings or structures.

ii Elevations, sections and/or perspectives as necessary to indicate the basic architectural intent, the height of buildings and structures, and the general window and door arrangements.
(j) *Dedication or reservations of land for public use.* The location and size, in acres or square feet, of all areas to be conveyed, dedicated or reserved as open spaces, public parks, recreational areas, common areas, and similar public uses. The narrative shall demonstrate compliance with concurrency management requirements of Article IX.

(k) *Vehicular, pedestrian and bicycle circulation and parking.* The existing and proposed circulation system of arterial, collector, and local streets including offstreet parking areas, service areas, loading areas, and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership (public or private) shall be included where appropriate. Off-street and on-street parking requirements and all other performance criteria related to vehicular access and egress. The existing and proposed pedestrian and bicycle circulation system, including its interrelationship with the vehicular circulation system indicating proposed treatments of points of conflict.

(l) *Open space and landscape plan including all site amenities.* A general landscape and grading plan indicating the proposed modifications in the topography and ground cover together with a plan for design of open space systems and landscaping. The landscape plan shall comply with open space, landscape and tree preservation requirements of the Town Code. The Planning and Zoning Board and/or Town Commission may require greater landscaping or waive landscaping requirements required by Code. The site plan shall also include the overall design theme, including a narrative description and plan illustrating site amenities.

(m) *Surrounding Property:* Information concerning adjacent lands. Information on adjacent areas sufficient to indicate the relations between the proposed development and the adjoining areas, including:

i Existing land use and designation on the Comprehensive Plan Future Land Use Map (FLUM).

ii Zoning classification.

iii Circulation system.

iv Density.

v Public facilities.

vi Unique natural features.

vii Environmentally sensitive lands.

(n) *Additional information.* Any additional graphic information, documentation, or material required by the Planning and Zoning Board or Town Commission which is necessary to evaluate the character and impact of the proposed PUD.

(5) **Developer’s Agreement**

A Developer’s Agreement may be required between the applicant and the Town to memorialize agreed upon improvements to infrastructure, or monetary contributions in lieu of construction of said improvements, responsibility for those improvements and timing of construction. If a Developer’s Agreement is required it must be recorded with the first preliminary plat recording.
(6) Preliminary Subdivision Plat Approval (if applicable)

No permit for construction of buildings, structures and other improvements shall be issued until the preliminary plat and Final Development plan have been duly approved by the Town Commission in accordance with the Town subdivision regulations. In addition, all required public improvements must be constructed and approved by the Town Planner and Engineer.

As an alternative to requiring construction of all required subdivision improvements prior to recording the final plat, the applicant may, following approval of the Land use plan and preliminary plat, post performance and maintenance guarantees in accordance with the adopted subdivision regulations.

(7) Preliminary Covenants, Conditions & Restrictions (CCR)

The applicant shall submit a copy of the proposed Covenants, Conditions and Restrictions (CCR) document for review to the Planning Department. This document must reflect the requirements and conditions of the approved Land Use Plan. The CCR's shall be approved by the Town Commission and recorded with the Final Plat.

b. Final Plat

A copy of the recorded final plat shall be provided to the Planning Department prior to selling any land and/or improvements except as provided in this Article.

5. Alterations to Land Use and Development Plans

a. Changes to plans approved under this article may be permitted upon application and payment of a fee by the petitioner, his successors in title or interest, or registered agent, and shall follow the process for approval of planned unit development projects. However, there shall be no requirement to amend the rezoning ordinance unless the proposed amendment would so dictate. Amendments shall be evaluated to determine compatibility with the entire PUD, and consistency with the Comprehensive Plan. Amendments considered incompatible or conflict with the approved Land Use or Development Plan or conditions of approval, will be required to update the plan and be subject to a rezoning public hearing.

b. Alterations to the approved land use plan or development plan shall be classified as either substantial or non-substantial amendments. The determination of a substantial or non-substantial alteration shall be made by the Planning Director. The Planning Director may opt to direct the determination be made instead by the Development Review Committee (DRC).

c. The following criteria shall be used to identify a substantial amendment:

(1) Addition of a land use not previously permitted under the approved PUD zoning.
(2) A change which would alter a land use type adjacent to a property boundary, except when it is (i) a reduction in the density or intensity of an approved land use, and ii) unless the change locates a residential use adjacent to an incompatible land use.
(3) The change would result in greater off-site impacts.
(4) A change would require an amendment to the Town Commissions’ conditions of approval.
(5) A change would increase the land use intensity within any development phase without a corresponding decrease in some other portion of the overall PUD.
An amendment to the phasing would propose a land use in advance of the development it was designed to support.

Any proposed change in the type, location or size (except reduction in the number of units) of a multi-family land use or student housing land use in the PUD.

d. Substantial alterations to the land use and development plans must submit plans and support data (following the land use plan requirements) for review by the DRC and then public hearings by the Planning and Zoning Board and Town Commission.

e. All non-substantial alterations must be submitted (including plans and support data) and approved by the DRC.

f. Alterations to approved Land Use or Development Plans in an approved Sub-area may be allowed according to this Article with Town Commission approval.

g. 6. Building Permit Application

No building permits shall be issued for any structure within the PUD until a final plat has been approved by the Town Commission and the Planning Department has received a recorded copy of the final plat, or the appropriate surety instruments have been approved and received by the Town.

Section 20.5 General Site Development Standards

1. Generally

a. 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:

(1) Developments (or clusters of small developments) over 25 acres shall provide a mix of land uses to include civic uses.

(2) Developments over 25 acres shall be developed in clusters. (or neighborhoods)

(3) PUD’s shall place higher density near parks and commercial areas.

(4) PUD’s shall time commercial, infrastructure and recreational development in phase with residential development.

(5) Residential developments shall make subdivisions into neighborhoods with well-defined centers.

(6) Residential developments and clusters of small developments shall provide for school sites or other capacity enhancement measures based upon accepted projection standards.

(7) PUD’s shall concentrate commercial developments and shall not locate strip commercial development along road frontages.

(8) PUD’s shall develop commercial centers into all-purpose activity centers

(9) All developments shall include measures to reduce auto activity when possible and provide for pedestrian friendly environments.

(10) 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.
b. Location
The Planned Unit Development (PUD) Zoning District is allowed in all future land use categories. The PUD zoning shall be compatible with the densities and intensities of the underlying comprehensive plan future land use designation(s). The location of the planned unit development shall be designated on the zoning map by the designation "PUD".

c. 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.

d. Minimum PUD and Sub-Area Size
A planned unit development shall have no minimum size. The minimum sub-area size shall be 25 gross buildable acres.

e. Variances
Individual variances are not permitted in the Planned Unit 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 Board of Zoning Adjustment and Appeal, 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.

f. Bonds
The Town Commission may include in the Development Plan requirements for bonds (or appropriate alternatives) conditioned upon the satisfactory and timely completion of facilities in the Development Plan. Performance and maintenance bonds shall be provided in accordance with the adopted Subdivision Regulations.

g. Control of Development Following Approval

(1) Upon the approval of the development plan or any phase thereof, the use of land and the construction or modification of any buildings or structures within the PUD shall be in accordance with the approved development plan, rather than with the other provisions of this chapter. However, all other Town codes, ordinances, policies and resolutions shall apply to the project.

(2) The Planning Director shall be responsible for certifying that all aspects of the PUD, including conditions of approval (applicable to the subject portion of the project) have been satisfactorily completed prior to the issuance of a certificate of completion for the project or phase.

(3) After certification, no changes may be made in the approved development plan except under the procedures provided below:
(a) Any structural extension, alteration or modification of existing building structures which are consistent with the approved development plan may be authorized by the Planning Director.

(b) Any building or structure that may be destroyed may be reconstructed only in compliance with the development plan unless an amendment to the development plan is approved under the provisions of this article.

h. **Phasing**
The Town Commission may permit or require the phasing or staging of the proposed development. When provisions for phasing are included in the Land Use Plan, each phase of development must be so planned and so related to previous development, surrounding properties, and the available public facilities and services that a failure to proceed with subsequent phases of development will have no adverse impact on the completed phase(s) or surrounding properties.

i. **Development Time Limits and Reversion**

1. Any Town Commission approval of a planned unit development Land Use Plan shall be subject to a prescribed time limit of not more than 18 months for the submission and approval of a Development Plan. If the developer cannot meet this requirement, the developer shall request a public hearing for purposes of demonstrating why the planned unit development should not be terminated. If the developer does not appear before the Town Commission to preserve the planned unit development or if the developer fails to demonstrate why an extension should be granted, then the Town Commission may initiate rezoning of the property to an appropriate zoning classification. The prescribed time limit for the submission and approval of a Land Use plan may be extended by the Town Commission, for reasonable cause, if the developer presents evidence within the 1 1/2-year period which demonstrates that the developer has progressed in good faith toward implementing the Land Use plan.

2. In addition, The Town Commission shall establish reasonable periods of time for the completion of:
   - the total proposed development;
   - any development phase(s);
   - any dedicated public facilities which are a part of the development; and
   - facilities planned for common areas.

j. **Binding Nature of Rezoning to PUD**
The requirements of Article XX shall be continuing and enforceable against any planned unit development approved pursuant to this Article. The requirements shall run with the land and shall be enforceable regardless of transition in ownership.

k. **Public Notice**
Public notice for all public hearings shall include a generalized list of the proposed land uses and shall follow the public notice requirements of Chapter 166.041, Florida Statutes. The public hearing before the Town Commissioners shall be held at least ten (10) days after the planning and zoning Board hearing.
2. **Development Standards**

   a. **Compliance with Subdivision Regulations**

   The Development Plan shall comply with the adopted subdivision regulations except for the following sections:

   (1) 34-152: Lots and Blocks;
   (2) 34-153: Drainage Easements;
   (3) 34-155: Public Site and Open Spaces;
   (4) 34-171: Roadway Design Standards;
   (5) 34-209: Roadway Screen Walls; and
   (6) 34-266(g): Roadway Drainage Design.

   The requirements from these sections must be designed and approved through a Development Plan. Other sections of the subdivision regulations may be waived or modified by the Town Engineer and Town Commission approval.

   b. **Size and Dimension Regulations**

   Within all planned unit 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:

   (1) 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.
   (2) Performance measures such as control of structure type, lot size, bufferyards, landscapes and other site design techniques shall be incorporated to protect established neighborhoods.
   (3) 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.
   (4) Commercial and industrial building sizes shall follow the design guidelines of the Gateway Corridor Overlay District.
   (5) 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.

   c. **Densities/Intensities**

   (1) For lands designated for residential uses on the Town of Oakland Comprehensive Plan Future Land Use map a limited amount of secondary, neighborhood-serving commercial uses may be permitted. Secondary uses shall not exceed five (5) percent of the gross land area designated for residential use and must be clearly identified on the PUD Land Use Plan. Intensities for secondary commercial uses shall be limited to 0.25 floor area ratio (FAR) and shall meet typical parking standards for the approved use. FAR's for residential housing shall be limited to 35% and ISR's limited to 65% of...
the lot. Increases in these ratios may be allowed through the PUD zoning approval process and included within the developer's agreement.

(2) For lands designated for commercial uses on the Oakland Comprehensive Plan Future Land Use map, residential uses may be allowed without the need for a Future Land Use amendment. Commercial intensities shall not be higher than 0.25 FAR. Residential densities shall not be greater than 5 dwelling units per acre. A commercial PUD may allow up to 50% of the land acreage as residential uses.

(3) Land designated Industrial on the Future Land Use Map shall be developed with a maximum FAR of 0.25. Residential and other non-compatible land uses shall be prohibited. Commercial and office uses shall be allowed.

(4) All other land uses not specifically addressed in this section shall be allowed according to the appropriate conventional zoning district.

d. Minimum Living Area
Residential structures in a PUD shall have a minimum living area per unit of 1,000 sq. ft exclusive of accessory garage apartments. Accessory garage apartments may be less with the approval of the Town Commission.

e. Building Height
All building heights regardless of use shall be not taller than 40 ft. Heights in excess of 40 ft. may be granted as part of the PUD ordinance with Town Commission approval (See definition of building height).

f. Landscaping and Tree Protection
Landscaping and tree protection for all PUD’s shall follow the guidelines set forth in Article XVI, Gateway Corridor Overlay District, and Article XVII, Tree Protection in the Town Zoning Code. Waivers or modifications to these requirements may be approved by the Town Commission.

g. Parking
(1) Parking and loading facilities requirements shall meet the minimum requirements set forth in Article XVIII of this chapter unless specified within the Development Plan. Parking areas shall be paved and designed with regard to pedestrian safety. Alternative parking surfaces may be permitted where frequency of use is appropriate for the proposed surface.

(2) Vehicular and pedestrian passageways shall be separated on public rights-of-way. Where appropriate, a system of walkways and bicycle paths connecting buildings, common open spaces, recreation areas, community facilities and parking areas shall be provided and adequately lighted for nighttime use.

h. Recreation/Open Space
(1) A minimum of twenty percent (20%) of the gross acreage of any PUD containing a residential component shall be provided as common open space.

(2) A minimum of five percent (5%) of the gross acreage of any PUD 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.
(3) 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.

(4) 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:

(a) 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.

(b) 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.

(5) 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.

(6) 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.

(a) Active recreation. Typical facilities would include playgrounds, athletic fields, various types of courts (tennis, basketball, racquetball) swimming pools, exercise trails and clubhouses.

(b) Passive recreation. Typical facilities would include picnic areas, benches, trails, dog walks, and water features.

(7) 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.

(8) 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.

(9) 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.

i. Improvements and Urban Design Amenities

(1) In addition to the subdivision requirements of Chapter 62, all urban design amenities such as major structural improvements, signage, open space systems, pedestrian walkways, street furniture, and other movement systems shall:

(a) Be planned to 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;
Incorporate urban design amenities generally exceeding minimum standards of urban design as applied to conventional development. Such urban design amenities may 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

Provide for multi-modal transportation amenities, as appropriate, based on the scale and density/intensity of the proposed development. Where transit service or other large vehicles are provided access to the interior of a site, adequate radii shall be provided for transit and other large-scale vehicles. 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.

Provide open space and recreational amenities, including nature trails, greenways, public and private parks, and other recreational facilities. Such open space, where feasible, shall provide connections or create opportunities for connections to neighborhood and community systems of open space and/or bikeways. Provision of general visual access and physical access to lakes shall also be encouraged.

The design standards of the Gateway Corridor Overlay district shall be incorporated into all development that meets the location requirements of the District.

The following uses shall be permitted in the planned unit development district if designated on an approved Land Use plan:

1. Planned residential communities. All residential uses permitted in the zoning categories consistent with Comprehensive Plan Low Density Residential classification, and complementary and compatible commercial and office uses may be included if they are compatibly and harmoniously designed into the total residential community.

2. Planned commercial centers. Complementary and compatible residential uses may be included if they are compatibly and harmoniously designed into the total commercial center within a planned development district.

3. Planned industrial parks. Complementary and compatible commercial uses may be included if properly related to the total industrial park within a planned development district. No residential uses are allowed.

4. Other uses. Any other private, public or semipublic use complementary to and compatible with, planned residential, commercial, or industrial developments (including sewer and water utility plants) may be included.

5. Residential and office uses may be allowed over first floor commercial or office uses. Office and/or commercial uses may not occupy more than 50% of the gross floor area of any building, nor more than the first story, whichever is less.

6. Live/work space may be allowed within a PUD.
k. Transportation Network and Access

(1) The Planned Unit Development will include 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.

(2) 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.

(3) Projects that generate < 2,500 average daily trips (ADT’s) may be required to submit a Traffic Impact Analysis. This will be determined at the pre-application meeting for the Land Use Plan. Projects generating over 2,500 ADT’s will run a transportation model. The methodology for assumptions to be used to run the model will be discussed during the pre-application meeting. The applicant shall reimburse the Town's cost to review the traffic impact analysis and/or model run.

(4) Provide safe and convenient internal vehicular circulation, including access and sufficient area for effective delivery of emergency services such as fire protection;

(5) Be designed to facilitate safe access to and egress from the front and the rear of all buildings;

(6) Incorporate convenient, well-landscaped, and designed pedestrian ways and open space systems.

l. Infrastructure

All utilities shall be supplied through underground networks unless a physical limitation exists to prevent the logical location underground. All PUD’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.

m. Natural Features

The PUD 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.

n. 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 PUD shall face existing development and access existing streets, wherever possible.
## APPENDIX A: MINIMUM DISTRICT REQUIREMENTS

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Front Yard (ft.)</th>
<th>Side Yard (ft.)</th>
<th>Rear Yard (ft.) (1)</th>
<th>Street Side Yard (ft.)</th>
<th>Min. Lot Width (ft.)</th>
<th>Min. Lot Size (acre or sq. ft.)</th>
<th>Min. Living Space (sq. ft.)</th>
<th>Max. Building Height (ft.)</th>
<th>Density</th>
<th>FAR (2)</th>
<th>ISR</th>
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<td>(3)</td>
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*See specific zoning code sections to determine specific requirements and or exceptions.

1. Rear yard setbacks are 25 feet or 20% of the lot depth, whichever is less.
2. FAR and ISR may be increased as a special exception for infill lots only.
3. Residential structures are limited to 10,000 sq. ft, ISR as appropriate.
## ZONING CODE AMENDMENT HISTORY

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