

Chapter 195

ZONING

[HISTORY: Adopted by the Town Council of the Town of Callahan 9-8-1986 as Ord. No. 1-O-1986. Amendments noted where applicable.]

GENERAL REFERENCES

Comprehensive Plan — See Ch. 12.
Building construction — See Ch. 73.
Floodplain control — See Ch. 110.
Signs — See Ch. 152.

ARTICLE I General Provisions

§ 195-1. Short title.

This chapter shall be known and cited as the "Town of Callahan Zoning Ordinance." This Zoning Code supersedes any and all existing prior zoning ordinances of the Town of Callahan, Florida.

§ 195-2. Purpose.

- A. The purpose of the Callahan Zoning Ordinance is to encourage the most appropriate use of land; protect and improve the public health, safety, morals and general welfare of local residents; and assist in the attainment of the goals and objectives established in the Callahan Comprehensive Plan.
- B. The Callahan Zoning Ordinance regulates and restricts the height, number of stories and size of buildings and other structures; the minimum size of lots; size of yards and other open spaces; population densities; the location and use of buildings, structures and land for trade, industry, residence or other purposes; the height, size and location of signs; establishes zoning district boundaries; provides for the enforcement of this chapter and penalties for its violation; provides for a Planning Commission; and establishes procedures for appealing zoning decisions and amending this chapter.

§ 195-3. Authority.

The Callahan Zoning Ordinance, with all future amendments thereto, is adopted according to the provisions cited in Chapter 163, Part II, Florida Statutes.

§ 195-4. When effective.

The provisions of this chapter shall become effective on October 1, 1986.

§ 195-5. Repeal of previous Zoning Ordinance.

The provisions of the Callahan Zoning Ordinance adopted by the Callahan Town Council on

April 18, 1978, are hereby repealed as of the effective date of this chapter.

§ 195-6. Provisions to be minimum requirements; conflicts.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of public health, safety, morals and general welfare. Wherever the requirements of this chapter conflict with or duplicate another ordinance, law, rule or regulation, the more stringent requirements of the two shall govern the particular situation.

§ 195-7. Compliance required.

All buildings or structures hereafter erected, reconstructed, altered, enlarged or moved in the incorporated area of the Town of Callahan, Florida, shall be in conformity with the provisions of this chapter.

§ 195-8. Encroachment and reduction of lot area.

The minimum yards, parking spaces, open spaces and lot areas required by this chapter for all buildings and structures in existence at the time of passage of this chapter or for all buildings or structures hereafter erected shall not be encroached upon or considered as required yard or open space for any other building or structure, nor shall any lot area be reduced below the requirements of this chapter.

§ 195-9. Accessory buildings.

Except for temporary storage of building supplies during the period of construction of the main use building, no accessory building shall be used or occupied until the main use building on the lot is being used. This restriction shall not apply to well houses.

§ 195-10. Use provisions exclusive.

The use provisions in the various zoning districts are exclusive, and any use not included under permitted or permissible uses shall be prohibited in such districts.

ARTICLE II
Definitions and Word Usage

§ 195-11. Word usage.

For the purpose of this Zoning Ordinance, certain words and terms used herein shall be interpreted to have meanings as defined below. When words or terms are not defined, they shall have their ordinarily accepted meaning or such as the context may imply. Words used in the present tense include the future tense; the singular number includes the plural and the plural includes the singular. The word "shall" is mandatory; the word "may" is permissive. The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied." The word "lot" includes the words "plot" or "parcel." The word "structure" includes the word "building" as well as other things constructed or erected on the ground, attached to something having location on the ground or requiring construction or erection on the ground. The word "land" includes the words "marsh," "water" or "swamp."

§ 195-12. Terms defined.

As used in this chapter, the following terms shall have the meanings indicated:

ABUTTING OR ADJACENT 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 chapter or that is located immediately across any road or public right-of-way from the property subject to any hearing under this chapter.

ACCESSORY BUILDINGS AND USES — A subordinate building or portion of a main building, the use of which is incidental to that of the dominant use of the main building or land, including accessory signs, bona fide servants' quarters and greenhouses operated on a nonprofit basis. An "accessory use" is one that is incidental to the main use of the premises.

ALLEY — A public or private way which affords only a secondary means of access to property abutting thereon, which is not otherwise designated a thoroughfare or for general traffic and which is not otherwise designated as a street.

ALTERATION — Any change in the arrangement of a building; any work affecting the structural part of a building; or any change in wiring, plumbing or heating and air-conditioning systems.

APPLICATION — Forms completed by individuals when making zoning requests. (Same as "petition.")

APPLICANT or PETITIONER — The owner or his authorized representative of a tract of land which is the subject of a request for a change in zoning classification, a variance, conditional use or on an appeal. (Same as "petitioner.")

AUDITORIUM — The room, hall, building or part of a building used for public gatherings.

AUTOMOBILE SERVICE STATION — See "service station, automotive."

AUTOMOBILE REPAIR — The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

AUTOMOTIVE WRECKING AND SALVAGE YARDS — The dismantling or wrecking of used motor vehicles, mobile homes or other vehicles or the salvage, sale or dumping of such wrecked or dismantled vehicles or parts. See "junkyard."

BAR, SALOON, COCKTAIL LOUNGE or TAVERN — Any establishment devoted primarily to the selling or dispensing and drinking of malt, vinous or other alcoholic beverages or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises.

BLOCK — All that property frontage along one (1) highway, lying between the two (2) nearest intersecting or intercepting streets and railroad right-of-way or waterway, golf course, campus, park or similar open space.

BOARDINGHOUSE, ROOMING HOUSE, LODGING HOUSE or DORMITORY — A building or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for three (3) or more unrelated persons where no cooking or dining

facilities are provided in individual rooms.

BOARD OF ADJUSTMENT — A local body, created by ordinance, whose responsibility is to hear appeals from the decisions of the administrative official and to consider requests for variances.

BUFFER — A solid wall, fence or shrubbery at least six (6) feet in height which separates incompatible land uses. This chapter requires some buffers to be a certain width and properly landscaped.

BUILDABLE AREA — The space remaining on a lot after the minimum open space requirements (lot coverage, yards, setbacks) have been met.

BUILDING — Any structure designed or built for support, enclosure, shelter or protection of persons, animals, chattels or property of any kind; any structure constructed or used for a residence, business, industry or other private or public purposes, including structures that are accessory to such uses. The word "building" shall include "structure."

BUILDING HEIGHT — The vertical distance from the average grade of all exterior corners to the highest point of the building, less those appurtenances permitted to extend beyond the height of the building.

BUILDING LINE — An imaginary line across the property, defined in each district by the setback requirement on which the front wall of a building may be built. For the purpose of measuring, setbacks shall be determined by measuring from any vertical support of a covered roof section to the nearest point of the lot line.

BUILDING, PRINCIPAL — The building in which the main or principal use of the lot or parcel is conducted.

BUILDING SETBACK — The minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building. When two (2) or more lots under one (1) ownership are used, the exterior property lines so grouped shall be used in determining "building setback" when the interior common lot line is straddled by the principal structure.

CALIPER — The diameter at breast height (DBH) of the trunk of all trees four and one-half (4 1/2) feet above the ground.

CARPORT — An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two (2) sides and designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.

CENTER LINE OF STREET — The line surveyed and monumented by the Town of Callahan or the Florida Department of Transportation (FDOT). If a center line has not been surveyed and monumented, it shall be that line running midway between the outside curbs or ditches of the street.

CEMETERY — Land used or intended to be used for the burial of the animal or human dead.

CHURCH — A building used for nonprofit purposes by a recognized or established religion as its place of worship. Such building may include a residential area for the pastor or minister of the

sect.

CLINIC — An establishment where patients who are not lodged overnight are admitted for examination and treatment by one (1) person or a group of persons practicing any form of healing or health-building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists or any such profession, the practice of which is lawful in the State of Florida.

CLUB, PRIVATE — An association or organization of a fraternal or social character not operated or maintained for profit. The term "private club" shall not include casinos, nightclubs, bottle clubs or other establishments operated or maintained for profit.

CLUB, NIGHT — A restaurant, dining room, bar or other similar establishment serving alcoholic beverages, wherein paid floor shows or other forms of paid entertainment are provided for customers as a part of the commercial enterprise.

COMPREHENSIVE PLAN — The Callahan Comprehensive Plan which was adopted by the Callahan Town Council pursuant to Chapter 163, Florida Statutes, as amended.¹

CONDITIONAL USE — A use that would not be appropriate generally or without restriction throughout the zoning classification or district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning classification or districts as "conditional uses" if specific provisions for such "conditional use" is made in this chapter.

DAY NURSERIES AND KINDERGARTENS — Any service which, during all or part of the day, regularly gives care to six (6) or more children, not of common parentage, who are under six (6) years of age, whether or not it has a stated educational purpose, and whether the service is known as a "day-care service," "day nursery," "day-care agency," "nursery school," "kindergarten," "play school," "progressive school" or by any other name. The total number of children receiving care shall be counted, including children or foster children of the owner or person in charge, in determining the applicability of this definition.

DENSITY — The number of residential dwelling units permitted per acre of land, excluding land for street rights-of-way, drainage ditches, etc.

DRIVE-IN RESTAURANT or REFRESHMENT STAND — Any place or premises where provision is made on the premises for the selling, dispensing or serving of food, refreshments or beverages in automobiles on the premises or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a "drive-in restaurant." A barbecue stand or pit having the characteristics noted in this definition shall be deemed a "drive-in restaurant."

DUE PUBLIC NOTICE — As used in connection with the phrase "public hearing" or "hearings with due public notice," shall mean publication of notice of the time, place and purpose of such hearing at least twice in a newspaper of general circulation in the area, with the first such publication to be at least fifteen (15) days prior to the date of the hearing and the second such

1. Editor's Note: See Ch. 12, Art. II.

publication to be at least five (5) days prior to the hearing. In addition, except where the hearing applies to all of the lands within the area, similar notices setting forth the time, place and purpose of such hearing shall be mailed to the last known address of the owners of the property involved in or whose land is within three hundred (300) feet of the periphery of the lands subject to rezoning; and such notices shall also be posted in a conspicuous place or places on or around such lots, parcels or tracts of land as may be involved in or directly affected by the hearing. Affidavit proof of the required publication, mailing and posting of the notice shall be presented at the hearing. Failure of any owner to receive such notice shall in no way affect the validity of any action taken in a public hearing.

DWELLING — Any building or portion thereof which is designed for or used for residential purposes but does not include a trailer coach or converted trailer, hotel, motel, lodging house or boardinghouse.

DWELLING, MULTIFAMILY — A residential building designed for or occupied exclusively by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, ONE- (SINGLE-) FAMILY — A private residence building used or intended to be used as a home or residence in which the use and management of all sleeping quarters and appliances for sanitation, cooking, ventilation, heating and lighting are designed primarily for the use of one (1) family unit, and with partitioning so that any substantial interior portion of the dwelling, without resort to exterior access and the building, shall have only one (1) kitchen and one (1) electrical meter. This term is not to be construed as including mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, houseboats or other forms of temporary or portable housing.

DWELLING, TWO-FAMILY — A residential building designed for or occupied by two (2) families, with the number of families in residence not exceeding the number of dwelling units provided (duplexes).

EASEMENT — A grant from a property owner for the use of land for a specific purpose or purposes by the general public, by a corporation or by a certain person or persons.

ERECTED — Includes built, constructed, reconstructed, moved upon or any physical operation on the premises required for building. Excavations, fill, drainage, demolition of an existing structure and the like shall be considered part of "erection."

FAMILY — One (1) or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two (2), living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage, shall be deemed to constitute a "family." The term "family" shall not be construed to mean a fraternity, sorority, club, monastery or convent or institutional group.

FLOOR AREA — The sum of the gross horizontal areas of several floors of a building or buildings, measured from exterior faces of exterior walls or from the center line of walls separating two (2) attached buildings.

FOSTER HOME — Any establishment that provides care, including supervision and care

necessary to meet residents' physical, emotional, and social life needs, for not more than five persons. Excluding up to two foster parents, there shall not be more than five other residents in the home, whether they are part of the foster parents' family or Department of Children and Families clients or both. [Amended 11-15-2010 by Ord. No. 2010-13]

GARAGE, PRIVATE — An accessory structure designed or used for inside parking of private passenger vehicles by the occupants of the main building. A "private garage" attached to or a part of the main structure is to be considered part of the main building. An unattached "private garage" is to be considered as an accessory building.

GARAGE, REPAIR — A building or portion thereof, other than private storage or parking garage or service station, designed or used for repairing, equipping or servicing of motor vehicles. Such garages may also be used for hiring, renting, storing or selling of motor vehicles.

GARAGE, STORAGE — A building or portion thereof designed and used exclusively for the storage of motor vehicles, and within which temporary parking may also be permitted.

GROUP HOME — A congregated living facility which provides a family living environment, including supervision and care necessary to meet the physical, emotional and social life needs of residents. A "group home" may or may not provide education or training; many do. "Group homes" shall not be occupied by more than eight (8) residents, excluding the staff.

GUEST COTTAGE OR HOUSE — Living quarters within a detached accessory building located on the same lot or parcel of land as the main building, used exclusively for housing members of the family occupying the main building and their nonpaying guests. Such quarters shall not be rented or otherwise used as a separate dwelling.

HEIGHT OF BUILDINGS — The vertical distance from the established grade at the center or front of a building to its highest point of the roof or parapet.

HOME FOR THE AGED — A facility for the care of the aged with routine nursing or medical care provided.

HOME OCCUPATION — Any use conducted entirely within a dwelling and carried on by an occupant thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. "Home occupation" shall not be construed to include barbershops, beauty parlors, tearooms, food processing establishments, restaurants, antique stores, commercial kennels, real estate offices, professional offices or insurance offices.

HOSPITAL — Any institution, including a sanitarium, which maintains and operates facilities for overnight care and treatment of two (2) or more unrelated persons as patients suffering mental or physical ailments, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent or convalescent home, as previously defined.

HOTEL, MOTEL, MOTOR LODGE or TOURIST COURT — A building as licensed by the State of Florida containing individual guest rooms for which daily or weekly lodging is provided as the more or less transient residence of individuals, and ingress and egress to and from all rooms are made through an inside lobby.

HOUSING FOR THE ELDERLY — A facility in the nature of multiple family housing, with no provision for routine nursing or medical care. Where this chapter permits housing for the elderly, such housing shall be used only for this purpose; if housing for the elderly is changed to multiple-family use, then the provisions of this chapter shall be met before such multiple-family use is permitted.

JUNK — Inoperative, dilapidated, abandoned or wrecked materials, including but not limited to automobiles, trucks, tractors, wagons, boats and other kinds of vehicles and parts thereof, scrap materials, scrap building materials, scrap contractors' equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery and the like.

JUNKYARD — A place, structure or lot where junk, waste, discarded, salvaged or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are brought, bought, sold, exchanged, baled, packed, disassembled, stored or handled, including used lumber and building material yards, house-wrecking yards, heavy equipment wrecking yard and yards or places for the storage, sale or handling of salvaged house wrecking or structural steel materials. This definition shall not include automobile wrecking and automobile wrecking or storage yards or pawnshops and establishments for the sale, purchase or storage of secondhand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded or salvaged materials incident to manufacturing activity. However, establishments for the sale, purchase or storage of secondhand refrigerators, stoves, plumbing fixtures and similar merchandise shall be considered a "junkyard" for the sole purpose of requiring that such establishments display their merchandise behind a visual barrier as may be required for junkyards by this chapter.

KENNEL — The keeping of any pet or pets, regardless of number, for sale or for breeding, boarding or treatment purposes, except in an animal hospital, animal grooming parlor or pet shop.

LANDSCAPING — Any of the following or combination thereof: living materials, such as but not limited to grass, ground covers, shrubs, vines, hedges, trees or palms; and nonliving durable materials commonly used in landscaping, such as but not limited to, rocks, pebbles, sand, walls, fences, berms, sculptures and fountains, but excluding paving.

LAUNDRY, SELF-SERVICE — A business that provides home-type clothes washing and drying or ironing machines for hire to be used by customers on the premises.

LOADING SPACE — A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks or other motor vehicles.

LOT — A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein required. Such "lot" shall have frontage on a public or private street.

LOT COVERAGE — The amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.

LOT DEPTH — The distance measured from the middle point of the front line to the middle point of the opposite rear line of the lot.

LOT, DOUBLE-FRONTAGE OR THROUGH — A lot that has frontage on two (2) nonintersecting streets. The applicable front setback requirement shall apply to both frontages regardless of which line the landowner elects as the front line, unless such lot has a permanent solid face subdivision perimeter buffer wall precluding access along one (1) frontage.

LOT OR PROPERTY LINE — The legal boundary line of a lot.

LOT OF RECORD — A lot which is part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of Nassau County, or a parcel of land, the deed of which was recorded in the office of the Clerk of the Circuit Court prior to the adoption of this chapter.

LOT WIDTH — The mean horizontal distance between the side lot lines, measured at right angles to its depth or the same distance measured at the rear line of the required front yard (building line), especially on irregularly shaped lots.

MOBILE HOME — A movable or portable detached single-family dwelling designed for and capable of being used for long-term occupancy, designed to be transported after fabrication on its own permanent chassis and wheels, arriving at the site substantially complete, of such size and weight as to require special highway movements permits and in excess of eight (8) feet in width and thirty-two (32) feet overall length, as measured from the ball joint to the rear bumper, but not exceeding twenty-four (24) feet in width and seventy-five (75) feet in length. A "mobile home" shall be defined by Chapter 320, Florida Statutes, and shall be transportable, manufactured, suitable for real estate and utilized for nontransient purposes. The "mobile home" shall contain the same water supply, waste disposal and electrical conveniences as conventional housing.

MOBILE HOME PARK — A parcel of land set aside and rented by any person for the parking and accommodation of mobile homes which are to be occupied for sleeping or eating in exchange for a consideration or benefit to the owner of the mobile home park. This includes all land, buildings, structures or facilities used by occupants of mobile homes on such premises.

MOBILE HOME SUBDIVISION — A parcel of land set aside where lots are sold to mobile home owners for the purpose of placing mobile homes thereon for living and sleeping purposes, including any land, building, structure or facilities used by occupants of mobile homes on such premises.

MODULAR FACTORY BUILT HOMES — A modular unit residential building comprised of one (1) or more dwelling units or habitable rooms or component parts thereof, which is either wholly manufactured or is in a substantial part constructed in central manufacturing facilities and bears the approval of the Department of Community Affairs under the provisions of the Housing Act of 1971. However, this term does not apply to mobile homes, as defined by Chapter 320, Florida Statutes. Modular homes are regulated by this chapter as single-family dwellings.

NONCONFORMING USE OR BUILDING — The use of a building or portion thereof, or land or portion thereof, which does not conform to the use regulations of the district in which the building is located, the use of which was legally established and existed prior to the effective date of such use regulations.

NURSING HOME — A public or private home, institution, building, residence or other place, profit or nonprofit, which undertakes through its ownership or management to provide, for a

period exceeding twenty-four (24) hours, maintenance, personal care or nursing for three (3) or more persons not related by blood or marriage to the operator, who by reason of illness or physical infirmity or advanced age are unable to care for themselves; provided that this definition shall include homes offering services for less than three (3) persons when the homes are held out to the public to be establishments which regularly provide nursing and custodial services. Only those homes, buildings or places licensed under the laws of the State of Florida as nursing homes shall be included within this definition.

OCCUPIED — Includes arranged, designed, built, altered, converted to or intended to be used or occupied.

OFFICE, BUSINESS OR PROFESSIONAL — An office for such operations as real estate agencies, advertising agencies (but not sign shop), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau, abstract and title insurance companies, management consultants, stockbroker and the like; or an office for the use of a person or persons generally classified as professionals such as architects, engineers, attorneys, accountants, doctors, lawyers, dentists, veterinarians (but not including treatment or boarding of animals on the premises), psychiatrists, psychologists and the like.

OPEN SPACE — An area open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts or any other recreational facilities. Streets, structures for habitation and the like shall not be included.

PACKAGE STORE — A place where alcoholic beverages with an alcoholic content in excess of fourteen percent (14%) are dispensed or sold in containers for consumption off the premises.

PARCEL — A tract of land which may be described by metes and bounds or plat. See "lot."

PARKING, HANDICAPPED — Parking spaces designed and provided in quantities consistent with handicapped requirements.

PARKING LOT — An open area used exclusively for the storage of motor vehicles, whether or not a fee is charged.

PARKING SPACE, OFF-STREET — Consists of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but located totally outside of any street or alley right-of-way. Size shall conform to specifications in this chapter and may be divided into spaces for standard size vehicles and compact cars.

PET, HOUSEHOLD — Any domestic animal normally owned or kept as a pet, including cats, dogs, rabbits, raccoons, parrots, pigeons and other animals deemed by the Zoning Administrator to be appropriate as domestic pets, provided that such animals are confined to the limits of the residential property occupied by the owner of such pets. "Household pets" shall not include any animals or birds maintained for commercial purposes, whether or not such animals or bird may be appropriate as a domestic pet.

PLANNING COMMISSION — A body appointed by the Callahan Town Council to prepare and keep updated the Callahan Comprehensive Plan. The Planning Commission shall review and advise the Town Council on all planning and zoning related matters.

PORCH — A roofed-over space, with the roof impervious to weather, attached to the outside of an exterior wall of a building, which has no enclosure other than the exterior walls of such buildings. Open mesh screening shall not be considered an enclosure.

PRINCIPAL BUILDING OR USE — The main use of land, as distinguished from an accessory use; the building housing the main or principal use.

RECREATIONAL VEHICLE — A vehicular portable structure built on a chassis with its own wheels, either self-propelled or towed by another vehicle, designed to be used as a temporary dwelling for travel, vacation, camping or recreational purposes and including travel trailers, camping trailers, pickup campers, converted buses, motor homes, tent trailers, pop-up trailers, boats and boat trailers and similar devices.

RESTAURANT — An establishment where food is ordered from a menu, prepared and served for pay primarily for consumption on the premises in a completely enclosed room, under the roof of the main structure or in an anterior or exterior court. A drive-in restaurant, as defined here, is not a "restaurant." A cafeteria shall be deemed a "restaurant," as defined herein.

RIGHT-OF-WAY — The area of a highway, road, street, way, parkway or other such strip of land reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.

SANITARIUM — See "hospital."

SEAT — For purposes of determining the number of off-street parking spaces for certain uses, the number of "seats" is the number of seating units installed or indicated.

SERVANTS' QUARTERS — See "guesthouse or cottage."

SERVICE STATION, AUTOMOTIVE — Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuel, oils or accessories, and in connection with which is performed general automotive servicing, as distinguished from automotive repairs.

SETBACK — The distance between the lot line and the building setback line.

SETBACK LINE — See "building line."

SHOPPING CENTER — A group of retail stores or service establishments, planned, developed, owned and managed as an integral unit, with off-street parking provided on the property, and related in location, size and type of shops to the trade area which the unit serves.

SIGN — Any structure, part thereof or device, whether or not attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark or other representation used as or in the nature of an announcement, advertisement, direction or designation of an enterprise or industry, which is located upon any land, on any building, in or upon a window or indoors, in such manner as to attract attention from outside the building.

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

STREET — A public or private thoroughfare which affords the principal means of access to abutting property. This includes lane, place, way or other means of ingress or egress, regardless of the term used to describe it.

STRUCTURAL ALTERATION — Any change, except for repair or replacement, in the supporting members of a structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

STRUCTURE — See "building."

TRANSPORTATION CONCURRENCY — Transportation facilities needed to serve new development shall be in place or under actual construction within three years after the local government approves a building permit or its functional equivalent that results in traffic generation. [Added 12-18-2006 by Ord. No. 11-O-2006]

TRUCK STOP — An establishment principally used for refueling and servicing trucks and tractor-trailer rigs, but may include restaurants and snack bars and facilities for repair and maintenance of trucks and tractor-trailers.

USE — The purpose for which land or water or the structure thereon is designated to the extent covered by the Zoning Ordinance.

VARIANCE — A device which grants a property owner relief from certain provisions of this chapter when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money. A variance shall be authorized only for height, lot area, size of structure or yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by a variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or in adjoining districts. All variances must be approved by the Board of Adjustment.

VETERINARIAN CLINIC OR HOSPITAL — Any building or portion thereof designed or used for the veterinary care, surgical procedures or treatment of animals, but not the boarding of well animals.

YARD — An open space at grade between a main building and the adjoining lot lines. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT — A yard extending across the front of a lot between the side lot lines and being the 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 parallel to the street upon which the lot has its least dimension.

YARD, REAR — A yard extending across the rear of a lot between the rear of the principal building or any projections thereof, other than the projections of uncovered steps, balconies or porches. 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, 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 building or any projection thereof.

ARTICLE III
Administration

§ 195-13. Powers of Town Council.

It shall be within the powers of the Callahan Town Council to:

- A. Adopt a zoning ordinance. Any zoning ordinance adopted by the Callahan Town Council to regulate the use of land and buildings within the corporate limits of Callahan must be consistent with the Callahan Comprehensive Plan.
- B. Amend the Zoning Ordinance and Map. All amendments to the Callahan Zoning Ordinance and Map must be approved by a majority of the Callahan Town Council members after holding a public hearing. However, the Callahan Planning Commission must review all proposed amendments, hold a public hearing and submit written recommendations to Town Council before official action can be taken. The report and recommendation of the Planning Commission shall be advisory only and shall not be construed to be binding upon the Town Council.
- C. Approve site plans. The final approval of all site plans for development within the Town of Callahan shall rest with the Callahan Town Council. All site plans must be reviewed by the Planning Commission and its recommendations, in writing, must be submitted to the Town Council before official action can be taken.
- D. Establish zoning fees. The Callahan Town Council shall establish a schedule of fees to cover administrative costs of the items in this chapter. The Zoning Administrator will assist the Town Council in establishing and keeping updated the schedule of zoning fees. The initial Schedule of Zoning Fees and Costs is shown in Appendix A attached hereto.²
- E. Repeal of all or portions of the Zoning Ordinance. The Callahan Town Council shall have the power to hear and decide requests to repeal all or portions of this chapter. In carrying out this power, the Callahan Town Council shall comply with the same procedures and provisions for amending this chapter.

§ 195-14. Zoning Administrator.

Except as otherwise provided for in this chapter, the provisions of this chapter shall be administered by the Zoning Administrator. The Zoning Administrator shall be appointed by the Callahan Town Council. The duties of the Zoning Administrator shall include:

- A. The day-to-day administration of this chapter.
- B. Assist applicants in understanding the provisions of this chapter.
- C. Provide for the initial intake and processing of all applications for zoning amendments,

2. Editor's Note: Appendix A is included at the end of this chapter.

variances and conditional uses.

- D. Collect the required zoning fees and deposit with the appropriate Town fiscal officer.
- E. Assist the Planning Commission in maintaining and keeping updated the zoning regulations, the Zoning Map and all records relative to the zoning regulations and their administration, as set forth in this chapter or as may otherwise be necessary.
- F. Suggest to the Planning Commission and the Town Council modifications to the Zoning Ordinance and Map, with a written statement outlining the need for such changes.
- G. Conduct the necessary inspections required to make rational zoning decisions and to properly advise the Town Council, Planning Commission and the Board of Adjustment on zoning matters.
- H. Mail notices of zoning requests to be considered at the next scheduled meeting of the Planning Commission or the Board of Adjustment to its respective members seven (7) days prior to the meeting date. This will allow the Planning Commission or Board of Adjustment members sufficient time to make the necessary site inspections.
- I. Review all applications for building permits, including plot plans, to determine whether the proposed construction, alteration, repair, enlargement and the proposed use is in compliance with the provisions of this chapter. The Zoning Administrator's signature, stating approval or disapproval, is required on all building permit applications before a building permit is issued.
- J. Submit notices of all zoning meetings and hearings to the local newspaper in a manner prescribed by law.
- K. Post signs on property undergoing zoning proceedings. After the zoning process has been completed, the signs shall be promptly removed. Signs shall:
 - (1) Be visible from the primary roadway serving the property.
 - (2) Display the date, time and place of the public hearing and the zoning classification requested.
 - (3) Be posted two (2) weeks before the public hearing.
- L. Periodically canvass the town for zoning violations.
- M. Initiate the appropriate proceedings against violators of this chapter with the State Attorney's office in accordance with the provisions of Article IV.

§ 195-15. Planning Commission.

- A. Establishment of the Planning Commission. The Planning Commission shall serve in an advisory capacity to the Callahan Town Council on all planning- and zoning-related matters. The Planning Commission shall be composed of five (5) members appointed by the Town Council. Each member shall serve a three-year staggered term. Initially, two (2) members' terms shall expire in one (1) year, the terms of two (2) members shall expire the following year and the term of one (1) member shall expire the next year.

- B. Powers and duties. The Planning Commission shall perform the following duties in accordance with the Callahan Comprehensive Plan, local planning policies and the provisions of this chapter:
- (1) Review all requests for rezoning of property, zoning amendments and district boundary changes.
 - (2) Review and approve or disapprove requests for conditional uses.
 - (3) Review and approve or disapprove requests for variances from the terms of this chapter which will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary and undue hardship upon the owner of the subject property or structure or the applicant for the variance. In order to authorize any variance from the terms of this chapter, the Planning Commission must find evidence of the following:
 - (a) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same zoning district.
 - (b) The special conditions and circumstances do not result from actions of the applicant.
 - (c) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter or to other lands, buildings or structures in the same zoning district.
 - (d) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would place unnecessary and undue hardship on the applicant.
 - (e) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - (f) The granting of the variance will be in harmony with the general intent and purpose of this chapter and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
 - (g) In granting any variance, the Planning Commission may attach appropriate conditions and safeguards. 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 the Zoning Ordinance.
 - (h) The Planning Commission may establish a reasonable time limit within which the action for which the variance is required shall be started and completed.
 - (i) Under no circumstances, except as permitted above, shall the Planning Commission grant a variance to permit a use not generally or conditionally permitted in the zoning districts involved or any use expressly or by implication prohibited by the terms of this chapter in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and

no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

- (4) Review site plans for all proposed development and redevelopment in Callahan.
- (5) Submit written recommendations relative to the various requests reviewed to the Callahan Town Council.
- (6) Elect a Chairman, Vice-Chairman and Secretary from Planning Commission members. The time, place and date of the Planning Commission meeting shall be established by the Commission.
- (7) Develop procedures for conducting Planning Commission meetings.

ARTICLE IV **Enforcement and Penalties**

§ 195-16. Authority.

The Zoning Administrator is hereby designated and authorized to enforce this chapter.

§ 195-17. Filing zoning violation complaints.

The Zoning Administrator has the responsibility for receiving, investigating and administratively processing complaints regarding possible Zoning Ordinance violations. Persons suspecting that all or any part of this chapter has been or is being violated should notify the Zoning Administrator. The following information is needed when reporting a zoning violation:

- A. The location of the violation.
- B. Zoning Ordinance provision being or having been violated.
- C. If known, the name and address of persons involved in the alleged violation.

§ 195-18. Investigating zoning complaints.

Upon receipt of a complaint regarding a possible zoning violation, the Zoning Administrator shall properly record the complaint. The Zoning Administrator shall begin an investigation of the alleged zoning violation within fifteen (15) working days of its receipt. This investigation shall include but is not limited to the following:

- A. Apply the zoning ordinance to the property or building involved in the alleged violation to determine which zoning district regulations and provisions are applicable.
- B. Conduct an on-site survey of the property to determine which zoning provisions are actually being violated. The on-site survey will also serve as a means for determining the validity of the complaint. If the owner, lessee or agent will not allow the on-site survey to be conducted, the Zoning Administrator shall request assistance from the local law enforcement authority.

§ 195-19. Enforcement of zoning violations.

- A. Upon determination by the Zoning Administrator that the zoning ordinance has been violated, he shall immediately send a written notice to the owner of the property and/or building involved and to the person responsible for the violation. This notification shall include:
 - (1) The nature of the zoning violation.
 - (2) An order to immediately cease all illegal activity.
 - (3) A list of remedial actions (if applicable) that can be undertaken by violator.
 - (4) Information concerning penalties for continued violation of this chapter.
- B. If the person violating this chapter has not complied with the compliance notice sent by the Zoning Administrator nor initiated corrective measures within thirty (30) days after the notice's mailing date, the Zoning Administrator, after consultation with the Town Attorney, shall initiate the appropriate action or proceedings with the State Attorney's office.
- C. The Town Council, in addition to other actions taken, may institute any appropriate action or proceedings of a civil action in the circuit court to enjoin or restrain any person violating the provisions of this chapter.

§ 195-20. Penalties for offenses.

Any person found guilty of violating this chapter shall be deemed guilty of a misdemeanor of the first degree and punished by a fine not to exceed five hundred dollars (\$500.), or imprisoned in the county jail for a period not to exceed sixty (60) days or both. Each day a zoning violation continues after the violator receives the Zoning Administrator's order to cease violating this chapter shall be deemed a separate offense.

ARTICLE V
Procedural Requirements

§ 195-21. General.

The Callahan Town Council may, from time to time, amend, supplement or repeal the zoning regulations and district boundaries established by this chapter.

- A. Proposed changes and amendments may be suggested by the Callahan Town Council, the Planning Commission, a property owner for his own land or by petition of the owners of fifty-one percent (51%) or more of the area involved in the proposed zoning change.
- B. Requests for rezonings must be submitted to the Planning Commission before final action can be taken by the Town Council. Within 60 days from the filing date of the request, the Planning Commission shall review the proposed rezoning and submit written recommendations to the Town Council. A public hearing, with due public notice, must be held by both the Planning Commission and the Town Council before final action can be taken on any request for rezoning. Approval or disapproval of any amendment of this chapter shall require a simple majority vote of the Town Council. If a request for a rezoning is denied by the Town Council, neither the Planning Commission nor the Town Council shall take any action on a request for basically the same amendment within 12

months after the last application was denied. [Amended 12-19-2005 by Ord. No. 12-O-2005]

- C. Any person or persons jointly or severally aggrieved by a zoning amendment decision, rezoning included, may file an appeal in the circuit court which serves Callahan. This appeal must be filed within thirty (30) days after the Town Council has rendered its decision.

§ 195-22. Rezoning.

The procedure for rezoning property in the Town of Callahan is as follows:

- A. A person or party desiring to rezone property must file an application with the Zoning Administrator. Applications are available in the Zoning Administrator's office. The Zoning Administrator will collect the established zoning fee and submit the application to the Planning Commission for review at its next meeting.
- B. All applications for rezoning shall include the following information:
 - (1) A legal description of the property to be rezoned, lot and block numbers included.
 - (2) Names and addresses of all owners of the property to be rezoned.
 - (3) Existing and proposed zoning classification of the property.
 - (4) A statement of the petitioner's interest in the property to be rezoned, including a copy of the last recorded warranty deed.
 - (a) If joint or several ownership, all owners of record must consent, in writing, to the rezoning petition.
 - (b) If a contract purchase, a copy of the purchase contract and the written consent of the seller/owner must be submitted.
 - (c) If an authorized agent for the property owner, a copy of the agency agreement or the written consent of the owner is required.
 - (d) If a corporation or other business entity, the name of the officer or person responsible for the application and written proof that said representative has the delegated authority to represent the corporation or other business entity is required.
 - (e) If a group of property owners requesting the rezoning of the area in which their property is located, the written consent of at least fifty-one percent (51%) of the people owning property in the area described in the application is required.
 - (f) A complete list of all property owners, mailing addresses and legal description of all property within three hundred (300) feet of the parcel to be rezoned. This information must be taken from the latest municipal tax rolls which are kept in the County Tax Assessor's Office in the Nassau County Courthouse.
 - (g) The signature of the owner or owners of the property and the person or agent filing the application.

- C. The Planning Commission and the Zoning Administrator shall review all applications for zoning classification changes for consistency with the Callahan Comprehensive Plan.
- D. The Planning Commission shall study each rezoning request and submit a written recommendation to the Town Council within sixty (60) days after receiving the request. The Planning Commission shall hold a public hearing, with due public notice, to consider rezoning requests and to receive public input.
- E. The Town Council shall review the Planning Commission's recommendations and hold a public hearing, with due public notice, to consider the rezoning request.
- F. The Zoning Administrator shall be responsible for giving due public notice of the public hearings held by the Planning Commission and the Town Council.
- G. Following said public hearings, the Town Council, by ordinance, may amend, modify or change the existing zoning requirements for the petitioner's property, or it may deny the petition. If the application is denied, the Town Council shall not take any further action on another application for basically the same proposal on the same property until twelve (12) months after the date the last application was denied.

§ 195-23. Conditional uses.

Subject to Code §§ 195-12, 195-38, 195-45, 195-54, 195-63, 195-71 and 195-80, the following procedure shall be followed when requesting a conditional use:

- A. An applicant requesting a conditional use shall submit an application to the Zoning Administrator. The application must contain the following information:
 - (1) The legal description of the property for which the conditional use is requested.
 - (2) A description of the property according to street location.
 - (3) The names and addresses of the owners of the property.
 - (4) A detailed description of the conditional use requested.
 - (5) Current zoning classification of the property.
 - (6) Reason for requesting the conditional use.
 - (7) Any other data which the Planning Commission or the Town Council may deem necessary, such as architectural drawings or sketches of all buildings showing front, side, rear elevations and setbacks, etc.
 - (8) The signature of the applicant or his authorized agent.
- B. Upon completion and receipt of the application, the Zoning Administrator shall place the request on the agenda of the next Planning Commission meeting. The Planning Commission shall hold a public hearing to review conditional use requests within sixty (60) days from the date the request was received.
- C. The applicant or his representative shall appear before the Planning Commission to answer any questions concerning the proposed conditional use.

- D. The Zoning Administrator shall be responsible for giving due public notice of public hearing held by the Planning Commission to review conditional use requests.
- E. The Planning Commission has the power to deny, approve or disapprove with conditions any conditional use requested. When a conditional use has been approved with conditions, the Planning Commission may, as it deems necessary for the protection of public health, safety and general welfare, impose certain conditions, limitations or restrictions on the use requested and its premises.
- F. Any conditional use permit granted by the Planning Commission shall allow only those use or uses specifically described in the application and is subject to the terms or conditions expressed therein. The expansion or extension of the conditional use beyond the scope or terms of the conditional use permit shall be unlawful and is in violation of this chapter. The Planning Commission may suspend or revoke a conditional use permit whose terms or conditions have been violated.
- G. The Planning Commission may suspend or revoke a conditional use permit if it is determined that the conditional use has become a public or private nuisance resulting from an improper or unauthorized use of the premises.
- H. If the Planning Commission denies a petition for a conditional use permit, the denied petition cannot be resubmitted nor can any action be taken on a new petition for basically the same conditional use on the same premises within twelve (12) months after the date the last petition was denied.

§ 195-24. Conditional use review criteria.

The Planning Commission, when considering conditional use requests, shall use the following criteria as a basis for its findings:

- A. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare and is not contrary to established standards, regulations or ordinances of other governmental agencies.
- B. Each structure or improvement is so designed and constructed that it is not unsightly, undesirable or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of Callahan and the zoning district in which it is proposed.
- C. The conditional use will not adversely impact the permitted uses in the zoning district nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish or impair property values within the area.
- D. The establishment of the conditional use will not impede the orderly development and improvement of the surrounding property and uses permitted in the zoning district.
- E. Adequate water supply and sewage disposal facilities will be provided in accordance with state and county health requirements.
- F. Adequate access roads, on-site parking, on-site loading and unloading berths and drainage have been or will be provided where required.

- G. Adequate measures have been taken to provide ingress and egress to the property which is designed in a manner to minimize traffic congestion on local streets.
- H. Adequate screening and buffering of the conditional use will be provided, if needed.
- I. The conditional use will not require signs or exterior lighting which will cause glare, adversely impact area traffic safety or have a negative economic effect on the area. Any signs or exterior lighting required by the conditional use shall be compatible with development in the zoning district.

§ 195-25. Variance.

A variance from the provisions of this chapter is granted when practical difficulties or unnecessary hardships will result from carrying out the strict letter of this Zoning Ordinance. The following must be completed when requesting a variance:

- A. File an application with the Zoning Administrator. The necessary forms and instructions can be obtained from the Zoning Administrator's office.
- B. The application for a variance shall include but not be limited to the following information:
 - (1) If the applicant is other than the owner(s) of the property, the signed written consent of the property owner(s) must be attached.
 - (2) A complete legal description of the property for which the variance is requested, along with a scaled diagram showing the setbacks and the location of the proposed construction.
 - (3) The location and current zoning classification of the property being considered for the conditional use.
 - (4) A description of the variance requested.
- C. Upon receipt of the completed application and the required zoning fee, the Zoning Administrator will submit the application to the Planning Commission for action.
- D. The Planning Commission shall establish a date and time to the variance request and the Zoning Administrator shall advertise the public hearing in a manner prescribed by law.
- E. Before making a final decision on a variance request, the Planning Commission shall consider the criteria established in § 195-13B of this chapter. The Planning Commission has sixty (60) days from the date the application is received to make a final decision.
- F. If the Planning Commission denies a variance application, the denied application cannot be resubmitted, nor can any action be taken on a new application for basically the same variance on the same property, until twelve (12) months after the date the last petition was denied.

§ 195-26. Procedure for appealing administrative decisions.

Appeals to the Planning Commission may be taken by any person aggrieved or by any officer, board or bureau of the Town of Callahan affected by any decision of the Zoning Administrator in

the administration of this chapter. The appeals procedure shall include the following actions:

- A. Filing of appeal. A notice of appeal, stating the grounds for the appeal, must be filed with the Planning Commission within thirty (30) days after the rendition of the order, requirement, decision or determination from which the appeal was filed. The Zoning Administrator, upon notification of the filing of the appeal, shall transmit to the Planning Commission all materials constituting the record upon which the action appealed was taken.
- B. Stay of work. An appeal to the Planning Commission stays all work on the project and all proceedings in furtherance of the action being appealed, unless the Zoning Administrator certifies to the Planning Commission that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life and property. In such case, proceedings or work shall not be stayed except by a restraining order approved by four-fifths (4/5) of the Planning Commission members or by a court of record. If a stay is issued, the issuing body shall immediately notify the Zoning Administrator.
- C. Hearing of appeals. The Planning Commission shall, within fifteen (15) days after receipt of the notice of appeal, set a reasonable date for hearing the appeal and shall give due notice of the time and place of the hearing to the appellant and the Zoning Administrator. At the hearing, either party may appear in person or be represented by his agent or attorney.
- D. Decisions. In exercising the powers granted by this chapter, the Planning Commission, by majority vote of its members, may reverse, affirm or modify the order, requirement, decision or determination being appealed, and to that end shall have the powers of the Zoning Administrator and may issue the necessary permit. Rulings and decisions of the Planning Commission shall become effective thirty (30) days after the date of such ruling or decision. This will allow either party ample time to file an appeal with the circuit court.
- E. Appeal of Board of Adjustment decisions. Any person or persons jointly or severally aggrieved by any decision of the Planning Commission may file an appeal in the circuit court which serves Callahan. This appeal must be filed within thirty (30) days after the Planning Commission has rendered its decision.

§ 195-27. Building permits.

The following requirements must be complied with before issuing a building permit:

- A. General. It shall be deemed unlawful to begin the construction of any building, including accessory buildings, prior to the issuance of a building permit. A certified survey of the site shall be required when requesting a building permit for new construction.
- B. Procedure. The procedure shall be as follows:
 - (1) The applicant must complete a building permit application which can be obtained from the Town Hall.
 - (2) Building permit applications shall include but not be limited to the following information:
 - (a) The name and address of the applicant.

- (b) The location of the subject property.
 - (c) The present zoning classification of the subject property.
 - (d) A plot plan, drawn to scale, indicating the shape, size and location of all buildings to be constructed and any existing buildings on the site. Setbacks of all proposed buildings shall be included.
- (3) The plot plan shall be reviewed by the Zoning Administrator for compliance with the Zoning Ordinance. The Zoning Administrator shall sign, date and indicate approval or disapproval of the plot plan. If the plot plan is disapproved, the Zoning Administrator shall submit a written explanation to the Building Inspector.
 - (4) The plot plan shall be reviewed by any department deemed necessary by the Building Inspector.
 - (5) Upon completing the review of the building permit application, the Building Inspector shall approve or disapprove the application. If the application is approved, a building permit shall be issued.
 - (6) All building permits must be renewed if construction has not begun within six (6) months of the date issued.

ARTICLE VI
Regulations Applicable to All Districts

§ 195-28. Applicability.

The following general regulations apply to all zoning districts unless stated otherwise.

§ 195-29. Compliance required.

No land, building, structure or part thereof shall hereafter be erected, altered, constructed, reconstructed, maintained, used or occupied unless in conformity with the provisions of this chapter.

§ 195-30. Building regulations.

- A. Height. No building shall be erected, reconstructed or structurally altered to exceed the height limits of the district in which the building is located.
- B. Encroachment and reduction of lot area. The minimum yards and other open spaces, including lot area for each dwelling unit, required by this chapter for all buildings in existence at the time these regulations were enacted or for any building hereafter erected or altered shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced beyond the district requirements of this chapter.
- C. Required lot and occupancy. Every building hereafter erected shall be located on a lot, as herein defined; and in no case shall there be more than one (1) main building and the customary accessory buildings on one (1) lot, unless otherwise stated in this chapter.

D. Access to public street required. No building shall be constructed or erected on a lot or parcel of land which does not abut upon a public street or permanent easement to a public street.

§ 195-31. Yards.

- A. Obstructions. Every part of a required yard shall be open from its lowest point to the sky, unobstructed except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features, chimneys, flues and eaves. Such projections shall not exceed thirty (30) inches.
- B. Double frontage lots. On double frontage lots, the required front yard shall be provided on each street.

§ 195-32. Flood-prone area.

The Town of Callahan, Florida, has adopted a separate Floodplain Ordinance.³ Nothing in this chapter shall be construed to relieve any person of the requirements of that ordinance.

**ARTICLE VII
Districts**

§ 195-33. Establishment of districts.

In order to regulate and restrict the location of residences, businesses, industries, public and semipublic uses and the location of buildings erected or altered for specific use, the Town of Callahan, Florida is hereby divided into zoning districts. These districts are shown on the Official Zoning Map entitled "Zoning Atlas for Callahan, Florida," which is hereby declared a part of this chapter.⁴ The districts delineated on the Zoning Atlas are:

District	Abbreviation
Residential, Single-Family	RSF
Residential, Mobile Home	RMH
Residential, Multifamily	RMH
Commercial, General	CG
Industrial	I-1
Governmental Use	GU

§ 195-34. Interpretation of zoning district boundaries.

The following rules shall apply where uncertainty exists with respect to the boundaries of any zoning district:

- A. Unless otherwise indicated on the Zoning Map, the boundaries of the zoning districts will follow property or lot lines; the center lines of streets, highways, railroads, alleys or

3. Editor's Note: See Ch. 110, Floodplain Control.

4. Editor's Note: The Zoning Map is on file in the town offices.

shorelines of streams; or the town's corporate limits.

- B. Boundaries indicated as following shorelines shall be construed to follow such shorelines. If a change in the shorelines occur, the boundaries shall be construed as moving with the shorelines, except where such moving would change the zoning status of a lot or parcel. In such case, the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel.
- C. Where a district boundary divides a lot or an unsubdivided parcel of land, the location of such boundary, unless indicated by dimensions, shall be determined by the scale on the Zoning Map.
- D. Where a district boundary line divides a lot which was in single ownership at the time this chapter was adopted, the Planning Commission may permit as a conditional use, the extension of the regulations for either portion of the lot.
- E. Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it became a part of shall apply.
- F. If the exact location of a zoning district boundary cannot be determined by the rules stated above, the Planning Commission shall, upon request, determine the location of the zoning district boundary.

ARTICLE VIII RSF Single-Family Residential District

§ 195-35. Intent.

The provisions of this district are intended to preserve existing residential areas that are predominantly single family. The RSF District, in conjunction with the adopted Callahan Comprehensive Plan, will designate sites for future single-family residential development.

§ 195-36. Permitted uses.

Permitted uses shall be as follows:

- A. Single-family dwellings.
- B. Parks and playgrounds.
- C. Owner-occupied mobile home, replacing at same location similar residential unit which has been substantially damaged or destroyed by hazard.
- D. A new owner-occupied mobile home replacing at the same location a mobile home existing at the effective date of this chapter where the owners have qualified for and maintained a homestead exemption for the purpose of ad valorem taxes as determined by the Nassau County Property Appraiser for a minimum of one (1) year and the replacement mobile home is new as defined by Florida Statute 319.001 (2001). [Added 6-17-2002 by Ord. No. 4-O-2002]

§ 195-37. Permitted accessory uses.

Permitted accessory uses shall be as follows: see Article XIV, § 195-90.

§ 195-38. Conditional uses.

Conditional uses shall be as follows:

- A. Home occupations.
- B. Churches (including temporary revival establishments).
- C. Day nurseries and kindergartens. [Added 11-7-1994 by Ord. No. 3-O-1994]
- D. Barbershops and beauty parlors. [Added 8-5-2002 by Ord. No. 5-O-2002]

§ 195-39. Minimum lot requirements.

Minimum lot requirements shall be as follows:

- A. Minimum lot width: seventy-five (75) feet.
- B. Minimum lot area: seven thousand five hundred (7,500) square feet.

§ 195-40. Minimum yard requirements.

The minimum yard requirements shall be as follows:

- A. Front yard: twenty-five (25) feet.
- B. Side yard: ten (10) feet.
- C. Rear yard: fifteen (15) feet.

§ 195-41. Building restrictions.

Building restrictions shall be as follows:

- A. Maximum building height: thirty-five (35) feet.
- B. Maximum lot coverage: thirty-five percent (35%).

ARTICLE IX
RSF/MH Single-Family/Mobile Home Mixed Residential District
[Added 1-18-1988 as Ord. No. 8-0-1987]

§ 195-42. Intent.

The provisions of this district are intended to merge the Residential, Single-Family (RSF) objective and the Residential, Mobile Home (RMH) objective into a new type of district.

§ 195-43. Permitted uses and structures.

Permitted uses and structures shall be as follows:

- A. All permitted uses under Article VIII, § 195-36.

B. All permitted uses and structures under Article X, § 195-52.

§ 195-44. Permitted accessory uses and structures.

Permitted accessory uses and structures shall be as follows:

- A. See Article XIV, § 195-90.
- B. See Article X, § 195-53B.

§ 195-45. Conditional uses.

Conditional uses shall be as follows:

- A. Home occupation.
- B. Churches (including temporary revival establishments).

§ 195-46. Minimum lot requirements.

Minimum lot requirements shall be as follows:

- A. For single-family dwellings, parks and playgrounds, see Article VIII, § 195-39.
- B. For mobile homes or individual lots, mobile home parks and mobile home subdivisions, see Article X, § 195-55.

§ 195-47. Minimum yard requirements.

Minimum yard requirements shall be as follows:

- A. See Article VIII, § 195-40.
- B. See Article X, § 195-56.

§ 195-48. Building restrictions.

Building restrictions shall be as follows:

- A. Article VIII, § 195-41.
- B. Article X, § 195-57.

§ 195-49. Additional requirements governing mobile homes and mobile home parks.

Additional requirements governing mobile homes and mobile home parks shall be as follows: see Article X, §§ 195-58 and 195-59.

§ 195-50. Certain areas rezoned.

That portion of the City of Callahan situated between Brown Street and Mickler Street, which is bounded on the northwest by 2nd Avenue and bounded on the southwest by Mahoney Street, together with Lots 4 through 12 of Piney Point Subdivision, according to plat thereof recorded in

Plat Book 3, Page 62, public records of Nassau County, Florida, all of which is currently zoned Residential, Single-Family (RSF) is hereby rezoned to Residential, Single-Family/Mobile Home Mixed (RSF/MH).

ARTICLE X
RMH Mobile Home Residential District

§ 195-51. Intent

The RMH District provides for the development of areas for individual mobile homes, parks and subdivisions for residents desiring mobile home living. Further, it is the purpose of this district to provide for the permanent location of mobile homes on individually owned or rented lots. All development undertaken in the RMH District will be conducted in accordance with the provisions of the Callahan Comprehensive Plan.

§ 195-52. Permitted uses and structures.

Permitted uses and structures shall be as follows:

- A. Mobile homes on individual lots.
- B. Mobile home parks.
- C. Mobile home subdivisions.

§ 195-53. Permitted accessory uses and structures.

Permitted accessory uses and structures shall be as follows:

- A. See Article XIV, § 195-90.
- B. Each mobile home park shall be permitted to contain accessory or support facilities customarily incidental to the operation of the mobile home park as approved on the site plan. Such facilities shall include recreational facilities, maintenance facilities and laundry facilities for use by the park residents.

§ 195-54. Conditional uses.

Conditional uses shall be as follows:

- A. Home occupations.
- B. Churches.
- C. Single-family dwellings.

§ 195-55. Minimum lot requirements.

Minimum lot requirements shall be as follows:

- A. Mobile home park:
 - (1) Minimum lot width: two hundred (200) feet.

- (2) Minimum lot area: four (4) acres.
- B. Mobile home subdivision or individual lot:
 - (1) Minimum lot width: seventy-five (75) feet.
 - (2) Minimum lot area: seven thousand five hundred (7,500) square feet.

§ 195-56. Minimum yard requirements.

Minimum yard requirements shall be as follows:

- A. Mobile home park:
 - (1) Front yard: twenty-five (25) feet.
 - (2) Side yard: ten (10) feet.
 - (3) Rear yard: fifteen (15) feet.
- B. Mobile home subdivision or individual lot:
 - (1) Front yard: twenty-five (25) feet.
 - (2) Side yard: ten (10) feet.
 - (3) Rear yard: fifteen (15) feet.

§ 195-57. Building restrictions.

Building restrictions shall be as follows:

- A. Maximum building height: twenty-five (25) feet.
- B. Maximum lot coverage: thirty-five percent (35%).

§ 195-58. Additional requirements governing mobile homes.

Additional requirements governing mobile homes shall be as follows:

- A. Mobile home parks: see Article XIV, § 195-96.
- B. Mobile homes on individual lots:
 - (1) All mobile homes shall be placed on supports or pillars which rest on concrete pads.
 - (2) All mobile homes shall be securely anchored to the ground prior to being occupied in order to withstand wind damage.
 - (3) All mobile homes must be skirted prior to occupancy.
- C. Mobile home subdivisions:
 - (1) Must be developed in accordance with the Callahan Subdivision Regulations.
 - (2) Same as regulations for mobile homes on individual lots.

§ 195-59. Site plan required.

A site plan is required for all mobile home park development.

ARTICLE XI
RMF Multifamily Residential District

§ 195-60. Intent.

The intent of the Residential, Multifamily District (RMF) is to provide suitable sites for the development of multiple family residential dwellings. These sites will be developed in accordance with the Callahan Comprehensive Plan.

§ 195-61. Permitted uses.

Permitted uses shall be as follows:

- A. Multifamily dwellings.
- B. Duplexes.
- C. Townhouses.
- D. Group homes and foster care facilities.

§ 195-62. Permitted accessory uses.

See Article XIV, § 195-90.

§ 195-63. Conditional uses.

Conditional uses shall be as follows:

- A. Single-family dwellings.
- B. Home occupations.
- C. Churches (including temporary revival establishments).
- D. Day nurseries and kindergartens. [Added 8-2-1993 by Ord. No. 6-O-1993]

§ 195-64. Minimum lot requirements.

Minimum lot requirements shall be as follows:

- A. Multifamily dwellings:
 - (1) Minimum lot width: seventy-five (75) feet.
 - (2) Minimum lot area: seven thousand five hundred (7,500) square feet, plus four thousand ten (4,010) square feet for each dwelling unit in excess of two (2).
- B. Duplexes, group homes and foster care facilities:
 - (1) Minimum lot width: seventy-five (75) feet.

(2) Minimum lot area: seven thousand five hundred (7,500) square feet.

C. Townhouses:

(1) Minimum lot width:

(a) Interior lot: twenty (20) feet.

(b) Exterior lot: thirty (30) feet.

(2) Maximum lot area:

(a) Interior lot: two thousand (2,000) square feet.

(b) Exterior lot: three thousand (3,000) square feet.

(3) Maximum density: ten (10) dwelling units per acre.

§ 195-65. Minimum yard requirements.

Minimum yard requirements shall be as follows:

A. Multifamily dwellings:

(1) Front yard: twenty-five (25) feet.

(2) Side yard: twenty (20) feet.

(3) Rear yard: fifteen (15) feet.

B. Duplexes, group homes and foster care facilities:

(1) Front yard: twenty-five (25) feet.

(2) Side yard: ten (10) feet.

(3) Rear yard: fifteen (15) feet.

C. Townhouses:

(1) Front yard: twenty-five (25) feet.

(2) Side yard:

(a) Interior lot: zero (0) feet.

(b) Exterior lot: fifteen (15) feet.

(3) Rear yard: twenty (20) feet.

§ 195-66. Building restrictions.

Building restrictions shall be as follows:

A. Maximum building height: thirty-five (35) feet.

B. Maximum lot coverage: thirty-five percent (35%).

§ 195-67. Site plan required.

A site plan is required for development consisting of multifamily or townhouse dwelling units or group homes and foster care facilities.

ARTICLE XII
CG Commercial General District

§ 195-68. Intent.

The provisions of this district are intended to provide areas for the development of commercial uses which will provide the commercial needs of Callahan and surrounding areas. The areas designated in this district are intended to be accessible to major streets in Callahan. The Commercial, General District (CG) shall contain areas which are consistent with the commercial development guidelines established in the adopted Callahan Comprehensive Plan. It is also the intent of the CG District to encourage the concentration of commercial uses on contiguous parcels to be developed as a cohesive unit. Planned commercial developments are also encouraged.

§ 195-69. Permitted uses.

Permitted uses shall be as follows:

- A. Auto and truck service establishments which include service stations, truck stops, garages, body shops, vehicle rentals and carwashes.
- B. Retail outlets for the sale of food and pharmaceuticals, alcoholic beverages, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art supplies, cameras or photographic supplies, sporting goods, musical instruments, televisions and radios (including repairs), delicatessen bakery products, home furnishings and appliances (including repairs), office equipment, hardware and similar uses.
- C. Retail outlets for the sale of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, automotive vehicle parts and accessories (but not junkyards or automobile wrecking yards), heavy machinery and equipment, dairy supplies, monuments and similar uses.
- D. Service establishments such as barber and beauty shops, shoe repair shops, restaurants, interior decorators, photographic studios, dance or music studios, reducing salons or gymnasiums, self-service laundry or dry cleaners, tailors, hobby and gift shops, florists, dry-cleaning and laundry package plants, pest control, pawnshops, nurseries, newspaper establishments, home equipment rentals and animal kennels.
- E. Professional and business offices such as architects, lawyers, engineers, real estate, insurance, dentists, physicians, accountants, banks and other financial institutions.
- F. Museums, theaters (including drive-ins), skating rinks, bowling alleys, billiard parlors and similar commercial recreational uses.
- G. Vocational, trade, and business schools, libraries and community centers.

- H. Funeral homes and crematories.
- I. Shopping centers.
- J. Hotels and motels.
- K. Express or parcel delivery offices, telephone exchanges, commercial parking lots.

§ 195-70. Permitted accessory uses.

Permitted accessory uses shall be as follows: see Article XIV, § 195-90.

§ 195-71. Conditional uses.

Conditional uses shall be as follows:

- A. Hospitals, sanitariums, nursing homes, elderly and foster homes and similar uses.
- B. Light manufacturing, warehousing and storage uses.
- C. Churches (including temporary revival establishments).

§ 195-72. Minimum lot requirements.

- A. Minimum lot requirements shall be as follows: none.
- B. The minimum lot size needed by the various commercial uses will be determined by the space requirements dictated by the proposed use, the required setbacks and the number of parking spaces required by this chapter.

§ 195-73. Minimum yard requirements.

Minimum yard requirements shall be as follows:

- A. Front yard: thirty-five (35) feet.
- B. Side yard: ten (10) feet.
- C. Rear yard: ten (10) feet.

§ 195-74. Building restrictions.

Building restrictions shall be as follows:

- A. Maximum building height: thirty-five (35) feet.
- B. Maximum lot coverage: fifty percent (50%).

§ 195-75. Screening requirements.

Buildings adjacent to residential uses shall be screened by an opaque barrier at least six (6) feet in height. See Article XIV, § 195-89.

§ 195-76. Site plan required.

A site plan is required for all commercial development.

ARTICLE XIII
I-1 Industrial District

§ 195-77. Intent.

The provisions of this district are intended to apply to areas which can be developed for a variety of storage, warehousing and light industrial operations or similar uses, in accordance with the provisions of the adopted Callahan Comprehensive Plan. These regulations will permit the normal operations of light industrial uses in a manner that will not be harmful to surrounding land uses. Lands within this district should be located in close proximity to Callahan's major thoroughfares and railway facilities. Industrial uses shall be designed so as not to disrupt the flow of traffic in Callahan. Planned industrial parks are encouraged within this district.

§ 195-78. Permitted uses.

Permitted uses shall be as follows:

- A. Wholesaling, warehousing, storage or distribution establishments and similar uses.
- B. Light manufacturing and processing establishments, including food processing (not slaughterhouses), packaging or fabricating.
- C. Printing, lithographing, publishing or similar establishments.
- D. Automobile service, sales and repair shops.
- E. Cabinet, upholstery, sheet metal and machine shops.
- F. Animal hospitals or veterinary clinics, excluding open kennels.
- G. Dry-cleaning and laundry establishments.
- H. Cold storage facilities.
- I. Bottling plants.
- J. Electrical appliances and equipment, sales and repair.
- K. Establishments selling building and construction products, e.g., lumber, brick, stone and concrete.
- L. Radio and television broadcasting offices, studios, antennas and transmitters.
- M. Bus, truck, railroad or other transportation terminals, express offices and terminal facilities, telephone exchanges, repair or installation facilities and similar uses.
- N. Outdoor storage yards and lots, excluding automobile wrecking or storage yards and junkyards.
- O. All essential public services, including water, sewer, gas or electrical systems, e.g., substations, lift stations, treatment plants and similar installations.

§ 195-79. Permitted accessory uses.

Permitted accessory uses shall be as follows: see Article XIV, § 195-90.

§ 195-80. Conditional uses.

Conditional uses shall be as follows: none.

§ 195-81. Minimum lot requirements.

Minimum lot requirements shall be as follows: none.

§ 195-82. Minimum yard requirements.

Minimum yard requirements shall be as follows:

- A. Front yard: twenty-five (25) feet.
- B. Side yard: fifteen (15) feet.
- C. Rear yard: fifteen (15) feet.

§ 195-83. Building restrictions.

Building restrictions shall be as follows:

- A. Height.
 - (1) Maximum building height: thirty-five (35) feet.
 - (2) Structures exceeding thirty-five (35) feet in height shall increase the minimum side yard by one (1) foot for every two (2) feet of height exceeding thirty-five (35) feet.
- B. Maximum lot coverage: fifty percent (50%).

§ 195-84. Site plan required.

A site plan is required for all industrial development.

ARTICLE XIV
Supplementary Regulations

§ 195-85. Visibility at street intersections.

Within the area formed by the right-of-way lines of intersecting streets and a straight line connecting points on such right-of-way lines at a distance of fifty (50) feet from their points of intersection, there shall be a clear space with no obstruction to vision between the height of two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of each street, as measured at the center line thereof.

- A. Trees shall be permitted in the clear space, provided that the foliage is cut away within the prescribed heights stated above.

- B. Lampposts and street name sign posts shall also be permitted, provided that illuminating fixtures or nameplates are not within the prescribed clear space.

§ 195-86. Fences, walls and hedges.

No fence, wall, structure, hedge or other continuous planting shall be erected, placed or maintained on any lot line or within any rear or side yard in residential areas which exceed six (6) feet in height, measured from the front of the building line to the rear property line. Fences in required front yards shall not exceed four (4) feet in height, measured from the front of the building line to the front lot line. Height shall be measured from the natural contour of the ground of the particular lot in question.

§ 195-87. Exceptions to height limitations.

The height limitations established in the zoning district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

§ 195-88. Essential public services.

Essential public services shall be permitted in any zoning district. Essential public services shall include the installation of water, sewer, gas, telephone and electrical systems and such similar installations as electrical or gas generating plants, sewage treatment plants, water pumping or aeration facilities and other similar major installations.

§ 195-89. Buffers.

All commercial, industrial and mobile home park development and off-street parking and loading areas shall be separated from adjacent residential property by a continuous planted buffer, a solid wall or opaque fence that is at least six (6) feet in height. Such buffer, if planted, shall be composed of plants that possess growth characteristics which will produce a dense and compact permanent visual barrier within a twelve-month period. If the required height of six (6) feet is not reached within this twelve-month period, the shrubbery shall be replaced with mature plants of the required height.

§ 195-90. Accessory uses and structures.

Accessory uses and structures are permitted in all zoning districts, provided that such uses and structures are incidental to permitted principal uses and are located on the same lots, unless otherwise stated. Accessory uses shall not involve operations or structures not in keeping with the character of the district in which they are located.

- A. Attached accessory structures. An accessory structure, including carports connected by breezeways, attached to the principal structure on a lot, shall be considered a part of the principal structure and shall comply with the requirements of this chapter applicable to the principal structure.
- B. Detached accessory structures. In residential districts, detached accessory structures may be located in required rear and side yards, provided that such structures are at least ten (10)

feet from the principal structure and is located not less than six (6) feet from the side and rear lot lines. No detached accessory structure shall be located on the front half of any lot.

- (1) Detached accessory structures on corner lots shall not project beyond the side yard setback requirements for the principal structure.
- (2) Accessory structures used to house guests or servants shall not be located in any required yard space.
- (3) Air conditioning, compressors or other equipment designed to serve the principal structure may be located in any required side or rear yard, but must be at least six (6) feet from any lot line.

C. Accessory structures and uses in residential districts shall be as follows:

- (1) Antenna structures for television and radio, but not microwave relay or transmission structures.
- (2) Childrens' playhouses and play equipment.
- (3) Tool and/or garden sheds, barbecue pits and pump houses.
- (4) Fallout shelters.
- (5) Private garages and carports, subject to the following conditions:
 - (a) No garage or carport, when used as an accessory to a single-family residence, shall be designed to accommodate more than two (2) passenger vehicles. For multifamily residences, no more than two (2) vehicles per dwelling unit.
 - (b) Garages and carports must be used for noncommercial purposes.
- (6) Noncommercial greenhouses or plant nurseries.
- (7) Private swimming pools and bathhouses.
- (8) Gazebos and similar structures.
- (9) Private boathouses or shelters.
- (10) Doghouses and other similar structures for keeping commonly accepted household pets, provided that such uses do not create a public nuisance.

D. Accessory structures and uses for commercial and industrial districts shall be as follows:

- (1) Off-street parking or storage areas for customer, client or employee-owned vehicles.
- (2) Buildings completely enclosed for the storage of supplies, stock or merchandise.
- (3) Light manufacturing and/or repair facility incidental to the principal use, provided that odor, dust, smoke, noise, vibration, heat or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided that such operation is not otherwise specifically prohibited in the district in which the principal use is located.

- (4) Sheltered roofs, awnings or canopies incidental to retail and commercial use, where such use is permitted, provided that no part shall, in any case, be located any closer than ten (10) feet to any property line.

§ 195-91. Home occupations.

Home occupations may be conducted in all residential districts subject to approval by the Town Council and compliance with the following provisions:

- A. No person except members of the immediate family residing on the premises shall be employed or engaged in the home occupation.
- B. No home occupation shall be conducted in an accessory structure, but must be conducted in the residence of the proprietor.
- C. The use of the premises for a home occupation shall be clearly incidental to its use as a residence and shall under no circumstances change the residential character thereof.
- D. There shall be no change in the outside appearance of the residential structure or any visible evidence that a home occupation is being conducted, with the exception of a nonilluminated sign mounted flat against the residence's exterior. This sign shall not be larger than two (2) square feet in area and shall be placed not more than two (2) feet from the main entrance of the structure.
- E. No home occupation shall occupy more than twenty-five percent (25%) of the floor area of the dwelling unit.
- F. Only those commodities that are made on the premises shall be sold on the premises. All sales of home occupation products shall be conducted indoors, and there shall be no outside display of goods or merchandise. There shall not be any indoor display or advertising visible from the outside of the building.
- G. No home occupation shall create traffic in greater volumes than would normally be expected in a residential neighborhood.
- H. No home occupation shall create odor, dust, noise, electrical disturbances, glare or vibrations which are noticeable outside the dwelling.
- I. All motors and equipment used in any home occupation shall be shielded in order not to cause radio and television interference.
- J. There shall be no outside storage of materials and equipment used in conducting a home occupation.
- K. Fabrication of articles such as are commonly classified under the terms "arts" and "handicrafts" may be deemed a home occupation. The operation of a business referral service, which does not involve the transfer or storage of any commercial products or tangible personal property at the homesite may be deemed a home occupation, subject to the terms and conditions of this section.
- L. Procedure for obtaining authorization to conduct a home occupation.

- (1) All home occupations must be approved by the Town Council.
 - (2) The procedure for obtaining authorization for a home occupation shall be the same procedure used to rezone property, with the following exceptions:
 - (a) Signs advertising the proposed home occupation do not have to be placed on the site.
 - (b) An application containing the following information must be completed:
 - [1] Names of applicant and owner and location and zoning district where the proposed home occupation will be conducted.
 - [2] The type of home occupation to be conducted.
 - [3] A sketch showing the floor plan and dimensions of the dwelling, along with the area to be utilized by the home occupation.
 - [4] The names and addresses of persons owning property within three hundred (300) feet of the proposed site.
 - [5] The signature of the owner of the property and the person filing the application.
- M. Authorization to conduct a home occupation may be revoked by the Town Council, if it is determined that the home occupation has become a public nuisance.

§ 195-92. Service stations.

Within the districts permitting automobile service stations, the following requirements shall apply:

- A. Site requirements. An automobile service station shall have a minimum frontage on the primary street of one hundred twenty (120) feet and a minimum lot area of twelve thousand (12,000) square feet. All buildings shall be set back forty (40) feet from the street right-of-way lines, and all canopies shall be set back fifteen (15) feet from all street right-of-way lines.
- B. Site access.
 - (1) The site shall have no more than two (2) curb cuts for the first one hundred twenty (120) feet of street frontage or fraction thereof.
 - (2) No curb cut on ingress/egress point shall be more than forty (40) feet wide nor located closer than twenty (20) feet to a street intersection.
 - (3) All curb cuts shall be separated by an area of at least twenty (20) feet when located on the same street.
 - (4) All gasoline pump islands shall set back a minimum of fifteen (15) feet from the street right-of-way.
- C. If a service station is adjacent to a residential area, a solid wall or equivalent vegetative buffer, at least six (6) feet in height, shall be constructed to separate the service station

from the residences.

§ 195-93. Storage and parking of vehicles and equipment in residential districts.

- A. Commercial vehicle and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential district, except in accordance with the following requirements:
- (1) No more than one (1) commercial vehicle per dwelling shall be permitted and no vehicle used to transport explosives, gasoline.
 - (2) Trailers used for travel, hauling and boats are permitted if not parked or stored in the required front yard.
 - (3) A travel trailer shall not be occupied, either temporarily or permanently, while it is parked or stored in any area except in a travel trailer park authorized under the provisions of this chapter.
 - (4) Junked or inoperable vehicles shall not be permitted on or near lots with dwelling units. These vehicles shall be confined to junkyards.
 - (5) No materials, supplies, appliances or equipment used or designed for use in commercial or industrial operations shall be stored in residential districts.
- B. The provisions of this section shall not apply to storage, on a temporary basis, of materials, equipment or appliances to be used for or in construction of a building on the premises in conformity with this chapter.

§ 195-94. Junkyards (automobile salvage or wrecking yards included).

- A. All junkyards shall be completely screened from the road and any adjacent developed area by a solid wall or opaque fence. Such wall or fence shall be at least eight (8) feet in height and painted, where needed. The property owner is responsible for the maintenance of the fence or wall.
- B. No junkyard shall be permitted to operate which creates a nuisance or endangers the public health, safety and general welfare of Callahan residents.

§ 195-95. Swimming pools.

In all districts where swimming pools are allowed as a principal or accessory use, the following requirements and regulations shall be followed:

- A. Principal use. Any swimming pool owned and operated by a governmental agency or operated as a commercial enterprise existing singularly or in combination with other commercial recreation uses on the same property shall be considered as a principal use, subject to the district regulations of the applicable zoning district.
- B. Accessory use. Any swimming pool operated by a fraternal, social or civic organization; by a residential homeowners' association; or by the resident of a single-family dwelling shall be considered as an accessory use and shall exist in conjunction with the principal use on

the same lot, subject to the setback regulations stated herein this chapter.

- C. Setbacks, accessory use. The swimming pool and its screen enclosure is permitted to encroach into any interior side yard and rear yard, provided that in no case shall it be located closer than ten (10) feet to any rear property line.
- D. Fencing and screening. Every swimming pool shall be enclosed by a natural barrier, seawall or retaining wall, fence or other structure constructed or installed so as to obstruct access thereto by persons other than the owners or occupants of the premises on which the swimming pool is located. Obstructions around a swimming pool classified as a principal use shall not be less than six (6) feet in height from finished grade and when around an accessory use, not less than five (5) feet in height.
- E. Access.
 - (1) The primary access to a swimming pool, when such pool is a principal use, shall be from the interior of a building or structure serving as a clubhouse or shower facility. Exterior access to the principal use shall be the same as for an accessory use.
 - (2) Exterior access to a swimming pool classified as an accessory use must be through a self-closing and self-latching gate, with latches placed at least four (4) feet above the underlying ground and operable from the interior of the swimming pool area only.
- F. Drainage. If a patio is provided adjacent to or surrounding the swimming pool, it shall be designed so as to be self-draining away from the pool.
- G. Lighting. Artificial lighting used to illuminate the premises shall be directed away from adjacent properties and streets, shining only on the subject site.

§ 195-96. Mobile home parks.

All mobile home parks developed in Callahan shall meet the following minimum standards:

- A. All mobile homes shall have a minimum site area of four (4) acres.
- B. Each mobile home lot shall have a minimum area of four thousand five hundred (4,500) square feet.
- C. The maximum density of any mobile home park shall not exceed seven (7) mobile home units per acre.
- D. Each mobile home lot shall have the following front, rear and side yards:
 - (1) Front: twenty-five (25) feet.
 - (2) Rear: fifteen (15) feet.
 - (3) Side: ten (10) feet.
- E. Each mobile home space shall be provided with two (2) paved off-street parking spaces.
- F. Each mobile home shall be placed and securely anchored on pillars or supports which rest on concrete pads.

- G. Prior to occupancy, skirts shall be installed around every mobile home.
- H. Each mobile home park shall be provided with adequate park or recreational areas for residents based on a recreation standard of one hundred and fifty (150) square feet per mobile home lot.
- I. All two-way streets in a mobile home park shall have a minimum width of forty (40) feet and twenty (20) feet for one-way streets. Cul-de-sac or dead-end streets shall have a turning radius of at least forty (40) feet.
- J. All streets shall be paved, utilizing the following pavement bases, and shall have a minimum pavement base thickness of five (5) inches.
 - (1) Sand-bituminous road mix.
 - (2) Limerock stabilized base.
 - (3) Shell cement mix.
 - (4) Soil cement mix.
- K. All drainage plans for the mobile home park shall be approved by a professional engineer.
- L. Sidewalks shall be provided along major streets in mobile home parks. Sidewalks shall be at least three (3) feet wide.
- M. A landscaped buffer at least eight (8) feet wide and six (6) feet high shall be maintained along the exterior boundary of the mobile home park.
- N. Each mobile home park shall contain adequate management, maintenance, space and storage areas.
- O. If a mobile home sales lot or area is operated in conjunction with any mobile home park, such area shall not exceed ten percent (10%) of the gross mobile home park area. The sales area shall be separated from the remainder of the mobile home park by a solid fence, wall or hedge with a minimum height of six (6) feet. The sales area shall also be located in a manner which will not impede the ingress and egress to the mobile home park.
- P. Each mobile home park shall be permitted to display one (1) identifying sign at each park entrance, provided that said sign does not exceed thirty-two (32) square feet and is indirectly lighted.

§ 195-97. Site plans. [Amended 7-19-2010 by Ord. No. 2010-09]

A site plan must be submitted to the Zoning Administrator of the Town for later review by the Planning Commission and the Town Council prior to beginning construction other than single-family residential homes and duplexes that do not involve the subdivision or replatting of land. Site development permits and building permits for projects requiring site plan review will not be issued until a site plan is approved by the Town Council in conjunction with all requirements of this chapter and all permitting fees, impact fees, and bonding or deposit requirements are paid.

- A. Procedures.

- (1) A preapplication conference between the developer and the Zoning Administrator shall be held to discuss basic site plan requirements, site features and the proposed development.
- (2) Following the preapplication conference, no action shall be taken by the Town until the developer submits four copies of the proposed site plan, all site-plan-related documents required by this chapter, copies of all jurisdictional permits to the Zoning Administrator, and pays all fees associated with site plan review and advertising of public hearings.
- (3) Prior to distribution of the proposed site plan, the Zoning Administrator shall conduct a sufficiency review to determine if the developer addressed the site plan requirements stated in this chapter. If all requirements have been addressed, the Zoning Administrator shall proceed with the distribution of the site plan. If all the requirements have not been addressed, the site plan shall be returned to the developer to make the necessary additions in order to resume the site plan review process.
- (4) Once the developer makes any necessary revisions identified by the Zoning Administrator or the Zoning Administrator determines the developer's submissions comply with this chapter, the developer must then provide 10 revised submissions that incorporate the revisions identified by the Zoning Administrator, if any were identified. With the revised submissions, the developer must also provide a written explanation of the manner in which the revisions identified by the Zoning Administrator were incorporated into the revised submissions. Thereafter, the Town's departments shall have 15 days in which to make written recommendations to the Planning Commission regarding the site plan. As part of the departments' written recommendations, the Public Works Director shall determine whether the site plan proposes construction that impacts utility facilities or public rights-of-way. If so, the developer must also post a bond or make a cash deposit in a form and amount suitable to the Public Works Director to cover the cost of completion of the construction impacting utility facilities or public rights-of-way.
- (5) The Zoning Administrator shall submit the proposed site plan along with a written analysis and recommendations to the Planning Commission for consideration at its next meeting. The site plan analysis and recommendations shall reflect the review and comments of all the agencies involved in the site plan review process. The Planning Commission shall hold a public hearing to review the proposed site plan and submit written recommendations to the Town Council within thirty (30) days after receipt from the Zoning Administrator.
- (6) The Town Council shall review recommendations of the Planning Commission and hold a public hearing to consider the proposed site plan within thirty (30) days after receipt from the Planning Commission.
- (7) Following said public hearing, the Town Council may approve, approve with conditions or deny the proposed site plan.
- (8) Upon approval of the proposed site plan and if the proposed site is properly zoned, a site development permit shall be issued. A site development permit allows the

developer to develop the site in accordance with the plans submitted, but does not allow the developer to begin construction of vertical improvements. A building permit to construct vertical improvements shall be issued only after the Zoning Administrator is satisfied that the developer's horizontal improvements comply with the approved site plan.

B. Site plan requirements. The following information shall be provided by the developer when submitting a site plan for approval:

- (1) Vicinity map.
 - (a) Site location.
 - (b) Legal description of the site [name and addresses of persons owning property within three hundred (300) feet of the site should also be attached].
 - (c) Abutting streets and easements.
 - (d) Natural site features.
 - (e) Site boundaries.
 - (f) Utilities.
 - (g) Existing structures.
 - (h) Adjacent land uses.
- (2) Site plan, including but not limited to:
 - (a) Name, location, owner and architect of the proposed development.
 - (b) Present zoning and conditional use permit (if applicable) for subject site.
 - (c) Tabulation of gross site acreage and proposed density.
 - (d) Number of units proposed.
 - (e) Date, north arrow and graphic scale [one (1) inch equals fifty (50) feet].
 - (f) Dimensions of all structures and major features, including setbacks, distances between structures, floor area, driveway widths, parking spaces, property or lot lines and percent of lot coverage.
 - (g) Internal automotive and pedestrian circulation, including driveways, sidewalks, curb and gutters and site ingress and egress. (Must be approved by a professional engineer.)
 - (h) Location and dimension of water supply and sewage disposal facilities. (Must be approved by a professional engineer.)
 - (i) Location and dimension of water supply and sewage disposal facilities. (Must be constructed according to County Health Department standards and approved by the County Sanitarian.)

- (j) Location of electrical service lines, easements, transformers and fire hydrants.
 - (k) A landscaping plan that shows the location, size, and design of landscaped and open space areas, including all existing trees and buffer areas. Landscaping must be harmonious with surrounding areas. All paved areas must be surrounded by at least five-foot landscaped buffers that include trees and shrubbery or ornamental grasses, excepting avenues for ingress and egress. Parking areas must include landscaped islands that comprise at least 10% of the parking area. Islands must have at least one hardwood tree and shrubbery or ornamental grasses.
 - (l) Location of any on-site lighting and signs.
 - (m) Site drainage plan (must be approved by professional engineer).
 - [1] Existing and proposed ground contours and elevations.
 - [2] Existing and proposed drainage facilities with their size, elevations and slopes.
 - [3] Design calculations which support the proposed drainage design.
 - [4] Elevations and slope of surrounding property.
 - [5] Location and size of existing and proposed easements and rights-of-way.
 - (n) Color depictions of the finished appearance or elevations of all structures, including landscaping, parking, and stormwater retention facilities, that depict the incorporation of the following required minimum aesthetic standards:
 - [1] Pitched roofs or flat roofs with design components that provide for a broken roofline.
 - [2] Exterior finishes that do not allow for exposed metal as a covering for vertical walls.
 - [3] Exterior structures or components that do not allow flat or unbroken front and side walls.
 - [4] Any fencing surrounding retention ponds shall be wrought iron type, metal ornamental fencing at least four feet high.
- (3) Jurisdictional permits. All developments that require permits issued by state or federal agencies must submit copies of permits approving of all proposed development with a development's site plan. Examples of agencies that require permits include the Department of Environmental Protection, the Florida Department of Transportation, the United States Army Corp of Engineers, the St. Johns River Water Management District, and the Florida Department of Health.
- C. Penalties and enforcement. In addition to any penalties and enforcement mechanisms provided for elsewhere, the Town may enforce violations of this section by any of the following methods alone or in any combination: issuing stop-work orders, withholding building permits, obtaining injunctive relief, and imposing penalties of up to \$100 per day

for a developer's failure to construct a development in accordance with an approved site plan for each day the developer allows the nonconforming condition to exist after receiving notice of the nonconformance from the Zoning Administrator. Any notice of nonconformance that does not threaten public safety shall give at least five days' notice to cure the violation prior to the imposition of a fine. The monetary penalty provisions of this section apply to developments that have already been constructed on the effective date as well as those that have yet to be constructed.

ARTICLE XV
Nonconforming Uses

§ 195-98. Intent.

Within the districts established by this chapter there exist lots, structures, uses of land and structures and characteristics of use which were lawful before this chapter was adopted, but which would be prohibited, regulated or restricted under the terms of this chapter or its future amendments. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

§ 195-99. Nonconforming lots of record.

When a lot or parcel of land has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot of record at the effective date of this chapter, such lot or parcel shall be deemed developable subject to the granting of the necessary zoning variances.

§ 195-100. Nonconforming structures.

The lawful use of a building or structure existing at the time of the adoption of this chapter may be continued, although such use does not conform with the district regulations stated in this chapter.

§ 195-101. Damage of a nonconforming use.

Any nonconforming building or structure damaged by any means to an extent of fifty percent (50%) or more of its replacement cost prior to being damaged shall not be reconstructed, except in conformity with this chapter and all rights as a nonconforming use are terminated.

§ 195-102. Discontinuance of nonconforming uses.

- A. Buildings. In the event that a nonconforming use of any building or building and land combination is discontinued for a period of one (1) year, any future use of the building shall be in conformity with the regulations of the district in which it is located.
- B. Land. When a nonconforming use of land is discontinued or abandoned for a period of six (6) months, any future use of such land shall conform to the regulations of the district in which the land is located.

§ 195-103. Alterations of nonconforming structures.

A nonconforming structure or building may be maintained and repairs and alterations may be made, except that no structural alterations shall be made unless required by law, including eminent domain proceedings. Repairs such as plumbing or changing of partitions or other interior alterations are permitted.

§ 195-104. Extension of nonconforming uses.

Nonconforming uses of buildings, structures or land shall not be enlarged or extended after the effective date of this chapter.

§ 195-105. Changing of nonconforming uses.

A nonconforming use which has been changed to a conforming use or permitted use shall not be allowed to change back to a nonconforming use. A nonconforming use shall not be permitted to change to another nonconforming use.

§ 195-106. Repairs and maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or the replacement of interior walls, fixtures, wiring or plumbing which shall not exceed fifteen percent (15%) of the replacement cost of the structure or the nonconforming portion of the structure, as the case may be, provided that the cubic content of the structure existing when it became nonconforming is not increased.

§ 195-107. Unsafe nonconforming structures.

If all or portion of a nonconforming structure or structure containing a nonconforming use becomes physically unsafe or unlawful due to the lack of maintenance and is declared by any duly authorized official of Callahan to be an unsafe structure, such structure shall not be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

§ 195-108. Nonconformity not grounds for variance.

The presence of a nonconforming use or structure in a zoning district shall not in and of itself be allowable as legal grounds for the granting of variances for surrounding properties.

§ 195-109. Construction approved prior to adoption of regulations.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building for which a building permit was issued prior to the adoption of this chapter. If actual construction of the building has not begun within six (6) months after the issuance of the permit, the permit shall be deemed invalid and shall not be renewed, except in conformity with this chapter.

§ 195-110. Intent; GU-Government Use District.

It is the intent of this chapter that certain lands which are owned by federal, state or local government and are used for a purpose which is particularly and peculiarly related to governmental functions shall be placed in a Government Use (GU) District. Any lawful governmental activity is permitted upon such lands, so long as the title to the land is vested in the government and provided that any use or structure upon such land shall conform to the rules and regulations of this chapter that pertain to a similar use or structure in a nongovernmental district. Any lands in a GU District which are converted to private ownership shall be rezoned to a district other than GU, as lands in the GU district are restricted exclusively to governmental functions. This provision shall not, however, be deemed to prevent the use by any government of lands located in districts other than GU, provided that such use is in compliance with all provisions of this chapter applicable to such other districts.

ARTICLE XVII
Off-Street Parking and Loading

§ 195-111. Off-street parking to be provided.

There shall be provided, at the time of the erection of any main building or structure, or at the time any main building or structure is converted for the uses listed in this Article, minimum off-street automobile parking spaces, with provisions for ingress and egress in accordance with the provisions of this Article.

§ 195-112. Interpretation.

In the interpretation of the provisions of this Article, the following rules shall apply:

- A. The floor area of a building or structure shall be the sum of the gross horizontal area of every floor of a building, using exterior wall dimensions.
- B. When units or measurements used in determining the number of required parking spaces result in the requirement of a fractional space, fractions less than one-half (1/2) shall be disregarded, and fractions totaling one-half (1/2) or more shall be rounded to the next whole number.
- C. The seating capacity is the number of seating spaces permitted by the Fire Code⁵ and approved by the Fire Chief.
- D. Whenever a use requiring off-street parking is increased in floor area and located in a building existing on or before the effective date of this chapter, additional parking space for the additional floor area shall be provided in accordance with the provision of this chapter.
- E. Nothing in this Article shall prevent the extension of, or an addition to, a building or structure into an existing parking area which is required for the original building or structure. The number of parking spaces displaced and any new parking spaces needed as a result of expanding the original building shall be provided by enlarging the existing parking area or obtaining an additional area to be used for parking. Any additional area

5. Editor's Note: See Ch. 105, Fire Prevention.

acquired for parking shall be within five hundred (500) feet of the building being served.

- F. If a use is not specifically mentioned in § 195-113, the requirements for off-street parking facilities for a similar use which is mentioned shall apply.

§ 195-113. Parking space requirements.

The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing buildings as specified above shall be determined in accordance with the following:

- A. Auditoriums, theaters or other places of assembly: one (1) space for every four (4) seats or seating places.
- B. Bowling alleys: four (4) spaces for each alley.
- C. Business or commercial buildings: one (1) space for every three hundred (300) square feet of gross floor area.
- D. Churches, temples or places of worship: one (1) space for every four (4) seats or seating places.
- E. Clubs or lodges: one (1) space for every four (4) seats or persons accommodated in the assembly hall or auditorium or one (1) space for every two hundred (200) square feet of gross floor area, whichever is greater.
- F. Dwelling structures: two (2) spaces for each dwelling unit.
- G. Hospitals, sanitariums and convalescent homes: one (1) space for every four (4) patient beds, plus one (1) space for each staff and visiting doctor, plus one (1) space for every four (4) employees, including nurses.
- H. Hotels: one (1) space for each sleeping unit, plus one (1) space for the owner or manager, plus one (1) additional space for each staff person.
- I. Libraries and museums: A parking area equal to fifty percent (50%) of the floor area open to the public or one (1) space for each four hundred (400) square feet of gross floor area, whichever is greater.
- J. Manufacturing, warehousing and industrial uses: one (1) space for each two (2) employees on the largest working shift, plus one (1) space for each company vehicle operating from the premises.
- K. Medical or dental clinics: one (1) space for each two hundred (200) square feet of gross floor area used for offices and similar purposes.
- L. Mini-warehouses: one (1) space for every one hundred (100) square feet of office space, plus one (1) space per three hundred (300) square feet of the remaining gross floor area. Parking spaces shall not be designed and located where blockage of access points or doors or the driveway aisle would occur.
- M. Mortuaries: one (1) space for every four (4) seats of chapel capacity, plus one (1) additional space for every three (3) employees, plus two (2) spaces for each dwelling unit on the

premises.

- N. Motels: same as for hotels.
- O. Office and professional buildings: one (1) space for every two hundred (200) square feet of gross floor area.
- P. Restaurants, cocktail lounges and/or other eating places: one (1) space for every two (2) seats.
- Q. Rooming and boarding houses: one (1) space for each guest bedroom.
- R. Schools.
 - (1) Colleges, universities and technical/vocation schools: one (1) space for every three (3) seats of seating capacity.
 - (2) High schools: six (6) spaces per classroom, plus one (1) space per each teaching, administrative and staff position.
 - (3) Day-care centers: one and one-half (1 1/2) spaces for each employee.

§ 195-114. Handicap parking space requirements.

- A. Handicap parking spaces shall be reserved and posted in all commercial and professional districts and in any other district which has a principal, accessory or conditional use of a building or structure open to the public.
- B. Handicap parking spaces shall be conveniently located with respect to main and secondary entrances, and ramps to sidewalks shall be provided and conveniently located in relationship to the handicap spaces.
- C. The required number of handicap parking spaces shall be:
 - (1) Zero (0) to twenty (20) required spaces: one (1) handicap space.
 - (2) Twenty-one (21) to fifty (50) required spaces: two (2) handicap spaces.
 - (3) Required parking which exceeds fifty (50) spaces shall include a minimum of four percent (4%) of those spaces as handicap spaces.

§ 195-115. Off-street parking specifications.

- A. Requirements.
 - (1) All parking areas shall be paved and adequately drained and maintained as long as the use is continued. Parking areas serving single-family residential development do not have to be paved.
 - (2) Parking space dimensions shall be a minimum of ten (10) feet by twenty (20) feet.
 - (3) Handicap parking spaces shall have a minimum width of twelve (12) feet.
 - (4) The minimum width for a one-way interior driveway aisle in a parking area shall be

twelve (12) feet, and the minimum width for two-way driveway aisles shall be twenty-two (22) feet.

- (5) Off-street turning and maneuvering space shall be provided for each lot so that no vehicle will be required to back onto a public street or alley.
- (6) A parking area shall be at least five (5) feet from any established street or alley right-of-way or from the perimeter property line.
- (7) A landscaped buffer area at least five (5) feet wide shall separate all off-street parking areas from public rights-of-way and adjacent residential and nonresidential properties. Landscaped buffers separating parking areas from public rights-of-way and nonresidential properties shall contain an opaque screen of living plants which shall obtain opacity and a maximum height of three (3) feet within twelve (12) months or be replaced with mature plants of the required height. Buffers separating residential areas shall contain a solid wall fence or living plant materials at least six (6) feet high. All living plant material shall obtain opacity and maximum height within twelve (12) months or be replaced with mature plants of the required height. All landscaped buffers shall contain a minimum of one (1) tree per fifty (50) linear feet of common frontage. All trees shall be planted in a planting area at least twenty-five (25) square feet [five by five (5 x 5) feet]. Visibility requirements stated in Article XIV, § 195-85, shall be adhered to.

B. Location.

- (1) Parking spaces for all residential dwellings shall be located on the same property with the building to be served.
- (2) Parking spaces for other uses shall be provided on the same lot or not more than five hundred (500) feet away. Distance shall be measured from nearest point of the off-street parking facility to the nearest point of the building to be served.
- (3) Parking requirements for two (2) or more uses of the same or different types may be satisfied by a common parking facility. Such facility shall not contain less than the sum of the required parking spaces for each of the uses involved.

C. Off-street loading. The following off-street loading spaces shall be provided for the uses indicated:

- (1) Every hospital, institution, motel, single-occupancy commercial or industrial building or similar use having a floor area in excess of ten thousand (10,000) square feet, requiring the receipt or distribution by vehicles of materials and merchandise, shall have at least one (1) permanently maintained off-street loading space for the first ten thousand (10,000) square feet; and one (1) additional space for each twenty thousand (20,000) square feet of gross floor area, or fraction thereof, over and above the first ten thousand (10,000) square feet.
- (2) Single-occupancy retail, wholesale and industrial operations with a gross floor area of less than ten thousand (10,000) square feet shall provide sufficient receiving space on the property so as not to hinder the movement of vehicles and pedestrians over a sidewalk, street or alley.

- (3) Each space shall have direct access to an alley or street and shall have the following minimum dimensions:
 - (a) Length: twenty-five (25) feet.
 - (b) Width: twelve (12) feet.
 - (c) Height: fourteen (14) feet.
- D. Reduction of off-street parking and loading areas. Areas reserved for off-street parking or loading, in accordance with this chapter, shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking or loading space is provided to the satisfaction of the Board of Adjustment.