

**TEMPLE TERRACE CODE
CHAPTER 25 – LAND DEVELOPMENT**

ARTICLE VII. DESIGN STANDARDS AND DEVELOPMENT CRITERIA

Section 25.700 RESERVED.

Section 25.705 RESERVED.

Section 25.710 ZONING STANDARDS.

Section 25.710.1 PURPOSE.

The purpose of this Section is to provide the regulations applying in the zoning districts established by the City for area, height, bulk and placement regulations; together with additional regulations related to building standards.

Section 25.710.2 SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Regulations governing the minimum lot area and width; required front, side and rear yard; floor area ratio; height of structure, and related matters are shown in the following schedule of Area, Height, Bulk and Placement Regulations. In addition, certain standards exclusive to specific zoning districts are included in the following Section entitled Building Standards Exclusive to Specific Zoning Districts Not Included on the “Schedule of Area, Height, Bulk and Placement Regulations.”

(The next seven pages represent the schedules referred to in Sections 25.710.1 and 25.710.2 above)

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SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS

RESIDENTIAL DISTRICTS

R-10 Single Family Residential

Area	10,000 square feet
Width	100' at front property line; 75' on irregular lot with 100' at rear of required front yard.
Required yards*	Front: 35 feet Side: 2(10% average lot width or 7.5 whichever is greater) Rear: 20 feet (residential) 25 feet (non-residential) Corner: 15 feet abutting side street
Maximum FAR	N/A
Maximum Height	Residential 35 feet Non-residential 50 feet
Maximum Building Coverage	35%
Maximum Lot Coverage	Not more than 47.5% of lot covered by impermeable surface.
Minimum Foundation Coverage	1 story 1,500 square feet 2 story or more 1,200 square feet Exclusive of porches and breezeways

R-9 Single Family Residential

Area	10,000 square feet
Width	90' at front property line, 75' on irregular lot with 90' at rear of required front yard.
Required yards*	Front: 25 feet Side: 2(10% lot width at the rear of required front yard) Rear: 20 feet (residential) 25 feet (non-residential) Corner: 15 feet abutting side street
Maximum FAR	N/A
Maximum Height	Residential 35 feet Non-residential 50 feet
Maximum Building Coverage	35%
Maximum Lot Coverage	Not more than 47.5% of lot covered by impermeable surface.
Minimum Foundation Coverage	1 story 1,500 square feet 2 story or more 1,200 square feet Exclusive of porches and breezeways

*See also perimeter setback alternative in following section.

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SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS

RESIDENTIAL DISTRICTS (CONTINUED)

R-7.5 Single Family Residential

Area	7,500 square feet								
Width	75' at front property line; 50' on irregular lot with 75' at rear of required front yard.								
Required yards*	<table border="0" style="margin-left: 20px;"> <tr> <td>Front:</td> <td>35 feet</td> </tr> <tr> <td>Side:</td> <td>Residential 2(10% average lot width or 5', whichever is greater. Non-residential 2(20' with increase of 1' in width for each 4' in height principal structure exceeds 22').</td> </tr> <tr> <td>Rear:</td> <td>20 feet (residential) 25 feet (non-residential)</td> </tr> <tr> <td>Corner:</td> <td>10 feet abutting side street.</td> </tr> </table>	Front:	35 feet	Side:	Residential 2(10% average lot width or 5', whichever is greater. Non-residential 2(20' with increase of 1' in width for each 4' in height principal structure exceeds 22').	Rear:	20 feet (residential) 25 feet (non-residential)	Corner:	10 feet abutting side street.
Front:	35 feet								
Side:	Residential 2(10% average lot width or 5', whichever is greater. Non-residential 2(20' with increase of 1' in width for each 4' in height principal structure exceeds 22').								
Rear:	20 feet (residential) 25 feet (non-residential)								
Corner:	10 feet abutting side street.								
Maximum FAR	N/A								
Maximum Height	<table border="0" style="margin-left: 20px;"> <tr> <td>Residential</td> <td>35 feet</td> </tr> <tr> <td>Non-residential</td> <td>50 feet</td> </tr> </table>	Residential	35 feet	Non-residential	50 feet				
Residential	35 feet								
Non-residential	50 feet								
Maximum Building Coverage	35%								
Maximum Lot Coverage	Not more than 47.5% of lot covered by impermeable surface.								
Minimum Foundation Coverage	<table border="0" style="margin-left: 20px;"> <tr> <td>1 story</td> <td>1,050 square feet/garage 1,250</td> </tr> <tr> <td>2 story or more</td> <td>900 square feet/garage 1,100</td> </tr> </table> Exclusive of porches and breezeways	1 story	1,050 square feet/garage 1,250	2 story or more	900 square feet/garage 1,100				
1 story	1,050 square feet/garage 1,250								
2 story or more	900 square feet/garage 1,100								

R-7 Single Family Residential

Area	7,000 square feet								
Width	70' at front property line; 50' on irregular lot with 70' at rear of required front yard.								
Required yards*	<table border="0" style="margin-left: 20px;"> <tr> <td>Front:</td> <td>25 feet</td> </tr> <tr> <td>Side:</td> <td>Residential – 2(10% average lot width or 5', whichever is greater) Non-residential – 2(20' with increase of 1' in width for each 4' in height principal structure exceeds 22').</td> </tr> <tr> <td>Rear:</td> <td>20 feet (residential) (<i>Ord. No. 1019, 8-15-00</i>) 25 feet (non-residential) 30 feet (with septic tank and well in rear yard)</td> </tr> <tr> <td>Corner:</td> <td>10 feet abutting side street</td> </tr> </table>	Front:	25 feet	Side:	Residential – 2(10% average lot width or 5', whichever is greater) Non-residential – 2(20' with increase of 1' in width for each 4' in height principal structure exceeds 22').	Rear:	20 feet (residential) (<i>Ord. No. 1019, 8-15-00</i>) 25 feet (non-residential) 30 feet (with septic tank and well in rear yard)	Corner:	10 feet abutting side street
Front:	25 feet								
Side:	Residential – 2(10% average lot width or 5', whichever is greater) Non-residential – 2(20' with increase of 1' in width for each 4' in height principal structure exceeds 22').								
Rear:	20 feet (residential) (<i>Ord. No. 1019, 8-15-00</i>) 25 feet (non-residential) 30 feet (with septic tank and well in rear yard)								
Corner:	10 feet abutting side street								
Maximum FAR	N/A								
Maximum Height	<table border="0" style="margin-left: 20px;"> <tr> <td>Residential</td> <td>35 feet</td> </tr> <tr> <td>Non-residential</td> <td>50 feet</td> </tr> </table>	Residential	35 feet	Non-residential	50 feet				
Residential	35 feet								
Non-residential	50 feet								
Maximum Building Coverage	35%								
Maximum Lot Coverage	Not more than 47.5% of lot covered by impermeable surface.								
Minimum Foundation Coverage	<table border="0" style="margin-left: 20px;"> <tr> <td>1 story</td> <td>1,050 square feet/garage 1,250</td> </tr> <tr> <td>2 story or more</td> <td>900 square feet/garage 1,100</td> </tr> </table> Exclusive of porches and breezeways	1 story	1,050 square feet/garage 1,250	2 story or more	900 square feet/garage 1,100				
1 story	1,050 square feet/garage 1,250								
2 story or more	900 square feet/garage 1,100								

*See also perimeter setback alternative in following section.

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RESIDENTIAL DISTRICTS (CONTINUED)

R-MF Multi-Family Residential – 2 dwelling units

Area	10,000 square feet
Width	100' at front property line.
Required yards*	Front: 35 feet Side: 2(10% average lot width or 10', whichever is greater) Rear: 25 feet Corner: 25 feet abutting side street
Maximum FAR	N/A
Maximum Height	Residential 35 feet Non-residential 50 feet
Maximum Building Coverage	30%
Maximum Lot Coverage	N/A
Minimum Foundation Coverage	1 story 1,050 square feet/garage 1,250 2 story or more 900 square feet/garage 1,100 Exclusive of porches and breezeways

R-MF Multi-Family Residential – 3 dwelling units or more

Area	43,560 square feet
Width	100' at front property line.
Required yards*	Front: 35 feet Side: 2(10% average lot width or 10', whichever is greater) Rear: 25 feet Corner: 25 feet abutting side street
Maximum FAR	N/A
Maximum Height	Residential 35 feet Non-residential 50 feet
Maximum Building Coverage	30%
Maximum Lot Coverage	N/A
Minimum Foundation Coverage	1 story 1,050 square feet/garage 1,250 2 story or more 900 square feet/garage 1,100 Exclusive of porches and breezeways

*See also perimeter setback alternative in following section.

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SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS

RESIDENTIAL DISTRICTS (CONTINUED)

R-MF Multi-Family Residential – Other

Area	7,500 square feet
Width	75' at front property line; 50' on irregular lot with 75' at rear of required front yard.
Required yards*	Front: 35 feet Side: 2(20' with increase of 1' in width for each 4' in height principal structure exceeds 22') Rear: 25 feet Corner: 25 feet abutting side street
Maximum FAR	N/A
Maximum Height	Residential 35 feet Non-residential 50 feet
Maximum Building Coverage	30%
Maximum Lot Coverage	N/A
Minimum Foundation Coverage	1 story 1,050 square feet/garage 1,250 2 story or more 900 square feet/garage 1,100 Exclusive of porches and breezeways

R-MFA Multi-Family Residential – 2 dwelling units

Area	8,500 square feet
Width	75' at front property line; 50' on irregular lot with 75' at rear of required front yard.
Required yards*	Front: 25 feet Side: 2(10% average lot width or 10', whichever is greater) Rear: 25 feet Corner: 25 feet abutting side street
Maximum FAR	N/A
Maximum Height	50 feet (Variance to 80' on condition that for each 1' in excess of 50' an additional 3' be added to required setback)
Maximum Building Coverage	40%
Maximum Lot Coverage	Not more than 60% of lot covered by impermeable surface.
Minimum Foundation Coverage	N/A

*See also perimeter setback alternative in following section.

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RESIDENTIAL DISTRICTS (CONTINUED)

R-MFA Multi-Family Residential – 3 dwelling units or more

Area	8,500 square feet
Width	75' at front property line; 50' on irregular lot with 75' at rear of required front yard.
Required yards*	Front: 25 feet Side: 2(10% average lot width or 10', whichever is greater) Rear: 25 feet Corner: 25 feet abutting side street
Maximum FAR	N/A
Maximum Height	50 feet (Variance to 80' on condition that for each 1' in excess of 50' an additional 3' be added to required setback)
Maximum Building Coverage	40%
Maximum Lot Coverage	Not more than 60% of lot covered by impermeable surface.
Minimum Foundation Coverage	N/A

R-MFA Multi-Family Residential – Other

Area	8,500 square feet
Width	75' at front property line; 50' on irregular lot with 75' at rear of required front yard.
Required yards*	Front: 25 feet Side: 2(20' with increase of 1' in width for each 4' in height principal structure exceeds 22') Rear: 25 feet Corner: 25 feet abutting side street
Maximum FAR	N/A
Maximum Height	50 feet (Variance to 80' on condition that for each 1' in excess of 50' an additional 3' be added to required setback)
Maximum Building Coverage	40%
Maximum Lot Coverage	Not more than 60% of lot covered by impermeable surface.
Minimum Foundation Coverage	N/A

PD-R Planned Development Residential

Each lot created may be no smaller than 65% of area and width requirements of zoning district superseded by PD-R.

All yard, height, building coverage, lot coverage, foundation coverage requirements to be the same requirements of zoning district superseded by the PD-R zoning.

FAR – N/A

All other standards provided in Section 25.710.3(f).

*See also perimeter setback alternative in following section.

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INSTITUTIONAL DISTRICTS

E-I Educational Institutional

Area	50,000 square feet
Width	100' at front property line
Required yards	None
Maximum FAR	None
Maximum Height	50 feet
Maximum Building Coverage	50%
Maximum Lot Coverage	N/A
Minimum Foundation Coverage	N/A

COMMERCIAL DISTRICTS

C-O Commercial Office

Area	10,500 square feet
Width	100' at front property line
Required yards	None
Maximum FAR	*
Maximum Height	50 feet
Maximum Building Coverage	50%
Maximum Lot Coverage	N/A
Minimum Foundation Coverage	N/A

*Maximum FAR in the C-O Commercial Office district shall be governed by FAR requirements stipulated in the Future Land Use Element of the Future of Hillsborough Comprehensive Plan for the City of Temple Terrace.

C-G Commercial General

Area	10,500 square feet
Width	100' at front property line
Required yards	None
Maximum FAR	None
Maximum Height	50 feet
Maximum Building Coverage	50%
Maximum Lot Coverage	N/A
Maximum Foundation Coverage	N/A

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OTHER DISTRICTS

PD Planned Development

Area – Two acres – single ownership, except within a community redevelopment area where a minimum of one acre is required. The City Council, not the Board of Adjustment, may grant a waiver to this requirement. The City Council shall review such waiver request pursuant to the criteria in Section 25.310(c) (3).

All other standards provided in Article V.
(Ord. No. 1159, 2-7-06)

PROF – Planned Research Office Facilities

Area – 40,000 square feet per Zoning lot

Width – 200’ at property line of the Zoning Lot

All other standards provided in Section 25.710.3(d)
(Ord. No. 1154, 10-18-05)

LI-R Light Industrial-Restricted

Area	Minimum 2 acres
Width	200 feet
Maximum Height	50 feet
Required yards	Front: 35 feet Side: 20 feet; to include a solid buffer where abutting lands zoned for residential use or a public street. Rear: 20 feet; to include a solid buffer where abutting lands zoned for residential use or a public street.

(Ord. No. 1239, 12-2-08)

A-U Agricultural Urban

Area	Minimum 5 acres, except for property in public ownership.
Width	150 feet
Maximum Height	50 feet
Required yards	Front: 50 feet Side: 25 feet Rear: 50 feet

(Ord. No. 1239, 12-2-08)

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Section 25.710.3 BUILDING STANDARDS EXCLUSIVE TO SPECIFIC ZONING DISTRICTS NOT INCLUDED ON THE “SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.”

(a) R-10 Single Family Residential, R-9 Single Family Residential, R-7.5 Single Family Residential, R-7 Single Family Residential and PD-R Planned Development Residential zoning districts.

Yard requirements: As to any lot platted after May 5, 1987, no principal structure, swimming pool, accessory building or other structure shall be located nearer than twenty-five (25) feet to any environmental jurisdictional (DER/EPC) line or, where no such environmental jurisdictional line has been established, to the established mean high water line of the Hillsborough River, or its tributaries.

As to any lot platted before May 5, 1987, no principal structure shall be located nearer than twenty (20) feet to any environmental jurisdictional (DER/EPC) line or, where no such environmental jurisdictional line has been established, to the established mean high water line of the Hillsborough River, or its tributaries. Further, as to any lot platted before May 5, 1987, no swimming pool, accessory building or other accessory structure shall be located nearer than ten (10) feet to any environmental jurisdictional (DER/EPC) line or, where no such environmental jurisdictional line has been established, to the established mean high water line of the Hillsborough River, or its tributaries.

(b) R-MF Multi-Family Residential.

Townhouse development standards:

- (1) The minimum gross lot area shall be ten (10) acres and the minimum gross lot width shall be four hundred eighty (480) feet.
- (2) Each townhouse dwelling shall have a minimum lot area of one thousand eight hundred (1,800) square feet of usable land and a minimum width of twenty (20) feet.
- (3) Each townhouse dwelling shall have a front yard with a minimum depth of twenty-five (25) feet and a rear yard with a minimum depth of twenty (20) feet.
- (4) No less than four (4) townhouse dwellings and no more than twelve (12) townhouse dwellings shall be contiguous. No more than two (2) contiguous townhouse dwellings shall be built in a row with a common front building line, and the minimum difference in building line setback to provide variation shall be two (2) feet. No contiguous group of dwellings shall exceed two hundred forty (240) feet in length.
- (5) There shall be a minimum gross floor area of seven hundred (700) square feet of usable interior living area for one or two bedroom units and a minimum of eight hundred (800) square feet of usable interior living area for three bedroom units, exclusive of utility area, attics or garages.
- (6) No portion of a townhouse or accessory structure in or related to one group of contiguous townhouses shall be closer than twenty (20) feet to any portion of a townhouse or accessory structure related to another group, or shall be closer than thirty (30) feet to a property line adjoining the side yard of an adjacent lot not included within the townhouse development. A side yard having a minimum width of twenty (20) feet shall be provided between the side of any townhouse dwelling and a public street or right-of-way.

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- (7) Townhouse developments shall have a common open area suitably developed for recreation purposes equal to one thousand five hundred (1,500) square feet of open area per dwelling unit. Satisfactory provisions for the development and perpetual maintenance of said open area shall be submitted to and approved by the City Council.
- (8) Where a townhouse development is proposed in accordance with a comprehensive plan upon a total site exceeding the minimum gross lot area set forth in subparagraph (1) above, and where interior streets are proposed within said development, the City Council may permit reasonable variations from the yard and setback provisions set forth herein, provided that no variation shall be made in yard or setback provisions relating to an exterior property line of the total site.
- (9) City Council may approve actual construction of phases, provided that the initial phase shall comprise not less than twenty-five (25) percent of the total area proposed for ultimate development.
- (10) Before a building permit for construction shall be issued, a subdivision plat complying with all requirements of the subdivision regulations of the City shall have been approved by the City Council and recorded in the records of the Clerk of the Circuit Court of Hillsborough County.
- (11) Unless otherwise specifically provided in the above subparagraphs, all provisions and development standards of this Chapter for the applicable zoning district shall apply to townhouse development.

Area requirements:

Each two-family (duplex) dwelling erected or begun after the effective date of this Chapter and each multi-family dwelling having three (3) or more dwelling units and/or group of multi-family dwelling units erected or begun after the effective date of this Chapter shall have a minimum of eight hundred (800) square feet of living area per dwelling unit, excluding porches, breezeways, garages, carports and utility rooms, including only actual living areas.

Yard requirements:

- (1) Group of multi-family dwellings: Where two (2) or more multi-family dwellings are proposed for construction upon a zoning lot, open space and yard proposals substantially equivalent to the yard requirements as set forth hereinabove shall be submitted on the site development plan. As part of the open space requirements, there shall be a common open area suitably developed for recreational purposes equal to one thousand (1,000) square feet of open area per dwelling unit.
- (2) Inter-yards: The front, side and rear yard requirements listed in the matrix shall not apply to yard areas between structures within a multi-family residential unit complex which shall be subject only to a requirement that the minimum separation between any two such structures shall not be less than fifteen (15) feet. Where desirable, however, for the preservation of existing trees or under extraordinary or exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, the required minimum separation may be reduced to not less than seven and one-half (7-1/2) feet if the building separation distances of the opposite ends of each affected building are increased above fifteen (15) feet by a combined amount at least equal to the reduction allowed below fifteen (15) feet.

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- (3) Perimeter: The minimum perimeter around any zoning lot used for a group of multi-family dwellings/multi-family residential units complex shall be thirty (30) feet, and the provision of said perimeter shall be deemed to satisfy any front, side or rear yard requirements otherwise imposed by this Chapter, the specific terms thereof notwithstanding.

(c) **R-MFA Alternate Multi-Family Residential.**

Minimum square footage, living area, per unit:

The minimum square footage of living area per dwelling unit, excluding porches, breezeways, garages, carports and utility rooms and including only actual living area, shall be no less than five hundred and fifty (550) square feet. The average square footage of living area for all units located on the zoning lot shall be no less than seven hundred and fifty (750) square feet; and no more than twenty-five (25) percent of the total number of units shall be five hundred and fifty (550) square feet.

Yard requirements:

- (1) Group of multi-family dwellings: Where two (2) or more multi-family dwellings are proposed for construction upon a zoning lot, open space and yard proposals substantially equivalent to the yard requirements as set forth hereinabove shall be submitted on the site development plan. As part of the open space requirements, there shall be a common open area suitably developed for recreational purposes equal to one thousand (1,000) square feet of open area per dwelling unit.
- (2) Inter-yards: The front, side and rear yard requirements listed in the matrix shall not apply to yard areas between structures within a multi-family residential unit complex which shall be subject only to a requirement that the minimum separation between any two such structures shall not be less than fifteen (15) feet. Where desirable, however, for the preservation of existing trees or under extraordinary or exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography, the required minimum separation may be reduced to not less than seven and one-half (7-1/2) feet if the building separation distances of the opposite ends of each affected building are increased above fifteen (15) feet by a combined amount at least equal to the reduction allowed below fifteen (15) feet.
- (3) Perimeter: The minimum perimeter around any zoning lot used for a group of multi-family dwellings/multi-family residential units complex shall be thirty (30) feet, and the provision of said perimeter shall be deemed to satisfy any front, side or rear yard requirements otherwise imposed by this Chapter the specific terms thereof notwithstanding.

(d) **PROF Planned Research Office Facilities.**

Minimum Site Design Standards:

- (1) Height: Buildings and structures within a PROF zoning district shall not exceed sixty-five (65) feet in height; provided, however, that buildings and structures adjacent to a single family detached residential zoning district shall not exceed thirty-five (35) feet in height. The City Council may grant a waiver to the thirty five (35) feet height limit, provided that the City Council finds that the increased height shown on the final site plan results in the

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mass of the proposed structure being reasonably proportional to surrounding structures, and that the waiver, singularly or in combination with other waivers allowed in Section 25.710.3(d) will not adversely affect the public health, safety, and welfare, and does not undermine the integrity of any adjacent single family residential zoning district uses or the purposes of the PROF zoning district. In no instance shall a building height exceed sixty five (65) feet, except as allowed per Section 25.710.6 – “Exclusion From Height Limits.” (*Ord. No. 1154, 10-18-05, Ord. No. 1207, 7-3-07*)

- (2) Lot coverage: At least forty (40) percent of the total PROF zoning district land area shall be permeable, open area. A minimum of thirty (30) percent of each Zoning Lot shall be permeable, open area; provided, however, that City Council may permit the required open coverage to be reduced to twenty-five (25) percent of a Zoning Lot if the applicant demonstrates that such a percentage of coverage is not inimical to the public health, safety, welfare and aesthetic purposes of this Chapter and does not adversely affect or undermine the purposes of the PROF zoning district, including but not limited to the creation of a park-like atmosphere within the research corporate park. In no instance may the total Zoning Lot coverage (i.e., the area covered by buildings, parking, and all other non-permeable structures or facilities) exceed seventy-five (75) percent of the area of the Zoning Lot.
- (3) Zoning Lot area and width: Each Zoning Lot shall have an area of no less than forty thousand (40,000) square feet and a minimum width of two hundred (200) feet at the front property line.
- (4) Building coverage: Maximum building coverage within Zoning Lots encompassing two (2) or more acres shall not exceed thirty-five (35) percent of the total land area within the Zoning Lot and within Zoning Lots of less than two (2) acres, maximum building coverage shall not exceed thirty (30) percent of the total land area within the Zoning Lot. The maximum building coverage on a PROF Development Parcel may reach one hundred (100) percent in such instances where the PROF Development Parcel is comprised of the area that describes only the building or structure footprint of a permitted principal, accessory or conditional use.
- (5) Setbacks: The minimum building setbacks, as measured from the Zoning Lot boundary, shall be:
 - a. Eighty (80) feet along all road rights-of-way, whether said road rights-of-way are public or private; provided, however, that City Council may permit a minimum setback of thirty (30) feet along private road rights-of-way if the applicant demonstrates that such a setback is not inimical to the public health, safety, welfare and aesthetic purposes of this Chapter and does not adversely affect or undermine the integrity of the PROF zoning district.
 - b. Thirty (30) feet along the side and rear property boundaries.
 - c. If the property is located adjacent to a single family detached residential zoning district, two hundred (200) feet therefrom; provided, however, that City Council may permit a smaller setback, to a minimum of thirty (30) feet, if the applicant demonstrates that such a setback is not inimical to the public health, safety, welfare, and aesthetic purposes of this Chapter and does not adversely affect or undermine the integrity of the single family residential zoning district or the purposes of the PROF zoning district.

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- d. If the property is located along the Hillsborough River, two hundred (200) feet therefrom or one hundred (100) feet from the Environmental Protection Commission and/or Department of Environmental Protection (EPC/DEP) line, whichever is greater; provided, however, that the minimum building setback for a hotel may be one hundred fifty (150) feet from the River for structures up to thirty (30) feet in height and provided further that, hotel buildings, like other buildings and structures within a PROF zoning district, may be constructed to sixty-five (65) feet in height at a distance of two hundred (200) feet from the River. All distances from the Hillsborough River shall be calculated by reference to the mean high water line of the River.
- (6) Setbacks: The minimum setbacks for other structures, parking lots, on-site private roads and parking aisles (excluding access drives), private walkways, swimming pools, tennis courts or pads for decorative or recreational use, as measured from the Zoning Lot boundary, shall be:
- a. Thirty (30) feet, fully landscaped, from any road rights-of-way, whether said road rights-of-way are public or private.
 - b. Ten (10) feet fully landscaped from any side or rear property boundaries.
 - c. If the property is located adjacent to a single family detached residential zoning district, one hundred (100) feet therefrom; provided, however, that City Council may permit a smaller setback, to a minimum of thirty (30) feet, if the applicant demonstrates that such a setback is not inimical to the public health, safety, welfare, and aesthetic purposes of this Chapter and does not adversely affect or undermine the integrity of the single family residential zoning district or the purposes of the PROF zoning district.
 - d. If the property is located along the Hillsborough River, one hundred fifty (150) feet therefrom or fifty (50) feet from the EPC/DEP jurisdictional line, whichever is greater; provided, however, that other structures, parking lots, driveways, walkways, fences, swimming pools, tennis courts or pads for decorative or recreational use may be constructed between that setback and two hundred (200) feet of the River, only if a continuous berm is constructed, between said structure, parking lot, driveway, walkway, fence, swimming pool, tennis court or pad and the River, and provided further that said berm shall comply with the following requirements:
 - 1. As a minimum, the mound or berm shall be configured with smooth, consistent slopes and shall be a minimum of thirty-two (32) inches in height.
 - 2. The mound or berm shall meander and shall be constructed in such a way as to save as many existing trees as possible.
 - 3. In addition to the mound or berm, a continuous hedge shall be planted along the berm and adjacent to the vehicular use area prior to issuance of any certificate of occupancy for any building on the lot.
 - 4. Said hedges shall be of an evergreen variety, planted and maintained to form a continuous, unbroken eighty (80) percent solid visual screen in conjunction with berms and mounds.

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5. Plantings shall be planted and maintained at a minimum overall height of six (6) feet.
6. The berm/mound shall not encroach into the conservation easement by more than six (6) feet.
- (7) Off-site impact: All research, development and related activities shall be conducted entirely within enclosed structures. No material, supplies, equipment or merchandise shall be stored outside of any building or structure. No use shall create any odor, liquids, smoke, gas, dust, litter, noise, vibration or other obnoxious, offensive or objectionable matter which shall be detectable outside of the Zoning Lot.
- (8) Underground storage: Underground storage of hazardous or flammable materials, liquids or chemicals shall not be permitted in a PROF zoning district, except that combustible and flammable liquids and liquefied gas as defined in NFPA 30, 54 and 58 to include gasoline, kerosene, petroleum distillates, diesel fuel and liquefied gas in underground tanks which shall be designed, installed, constructed and located to prevent seepage of contained products into surrounding subsurface areas and which shall comply with the NFPA codes and FDER Chapter 17-61 and all prevailing statutory and regulatory requirements and standards. In addition, leak detectors shall be installed and maintained in accordance with City standards and criteria.
- (9) Subdivision requirements: Development within a PROF zoning district shall be in accordance with Section 25.745 of this Chapter.
- (10) Parking: Parking area requirements shall conform to the applicable Temple Terrace Code provisions, unless City Council varies said requirements pursuant to an approved site development plan, or, if the development is a development of regional impact, pursuant to the Development Order, in which case parking within the PROF zoning district shall be subject to such conditions and restrictions as City Council may impose in connection therewith.
- (11) Landscaping and buffering: Requirements as to landscaping and buffering shall conform to the applicable Temple Terrace Code provision, unless City Council varies said requirements pursuant to an approved site development plan, or, if the development is a development of regional impact, pursuant to the Development Order, in which case landscaping within the PROF zoning district shall be subject to such conditions and restrictions as City Council may impose in connection therewith.

In addition to the landscaping requirements of this Chapter, where the rear or side property line of a Zoning Lot adjoins any residential zoning district or a public street adjoining any residential zoning district, suitable buffering in the form of a brick wall or plant material shall be provided along the entire length of the property line, unless this requirement shall be waived by the City Council pursuant to an approved site development plan or, if the development is a development of regional impact, pursuant to the Development Order. Said buffering shall be at least six (6) feet in height and brick walls shall not exceed eight (8) feet in height. Should a landscape buffer be provided, the plant material shall be of an evergreen variety, planted and maintained to form a continuous, unbroken eighty (80) percent solid visual screen at a minimum overall height of six (6) feet.

- (12) Tree removal: All tree removal shall be in compliance with the provisions of Temple Terrace Code of Ordinances, unless City Council varies said requirements pursuant to an

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approved site development plan or, if the development is a development of regional impact, pursuant to the Development Order in which case tree removal within the PROF zoning district shall be subject to such conditions and restrictions as the City Council may impose in connection therewith.

- (13) Conservation easement: All property located within the Environmental Protection Commission and/or Department of Environmental Protection (EPC/DEP) jurisdictional line and a fifty (50) foot strip contiguous thereto shall be conveyed to the City of Temple Terrace as a conservation easement in a form and substance acceptable to the City and in accordance with Section 704.06, Florida Statutes; provided, however, that if the area contiguous to the EPC/DEP jurisdictional line is not contiguous to the River and if said area is part of a retention area, pond or lake, said conservation easement may extend only thirty (30) feet into the property contiguous to the EPC/DEP jurisdictional property. Property within the conservation easement shall be maintained by the developer, his successor or assigns. Within conservation easements, native plant communities shall not be removed; provided, however, that additional plantings of native vegetation may be permitted with City Council's prior approval. No filling, excavation or construction of permanent structures, parking lots, driveways, walkways, fences, swimming pools, tennis courts or pads for decorative or recreational use or other impermeable surfaces, except outfalls and utility lines, may be allowed in conservation easements without prior City Council approval.

Any and all clearing, landscaping or similar activity in the area between the conservation easement and the setback line for structures other than building, including parking lots, driveways, walkways, fences, swimming pools, tennis courts and pads for decorative or recreational uses, may be done only with prior City Council approval.

- (14) General site development plan submittal and review: Every zoning application and every application for a building permit within a PROF zoning district, shall be subject to the provisions of Section 25.630 of this Chapter; provided, however, that applicants for building permits which do not meet criteria established in Section 25.630 and those for which City Council has granted a specific waiver pursuant to Section 25.630 of this Chapter, shall not be required to submit site plans for City Council review and approval.

- (15) Review Criteria for Preliminary and Final Site Plans:

a. Generally

1. The proposed development shall be suitable in location and character for the uses and structures proposed and shall be planned and developed on a unified basis, according to the requirements and procedures set forth herein.
2. The proposed development may be established in appropriate locations: with respect to intended function; in conformance with the goals, policies, and objectives of the Comprehensive Plan; where compatible with the surrounding land uses and zoning districts; where facilities and services of the City will not be adversely impacted; where a precedent will not be set for the introduction of an inappropriate use into an area; and so as not to encourage nonresidential strip development along streets.
3. The Preliminary Site Plan and Final Site Plan review processes may involve negotiations between applicants, or their representatives, and representatives of the City. For the purposes of structuring the process

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of applying for site plan approval and any subsequent negotiations, the procedures, review criteria, and specific regulations in these PROF district regulations shall be utilized.

b. Physical Characteristics of the Site; Relation to Surrounding Property

1. The tract or Zoning Lot shall be suitable, or it shall be possible to make the tract or Zoning Lot suitable for development in the manner proposed without hazard to persons or property, on or off the tract or Zoning Lot, outside of the floodway, free from the probability of erosion, subsidence, or slipping of the soil or other dangers. Conditions of soil, ground water level, drainage, and topography shall all be appropriate to both type and pattern of use intended.
2. Lands to be included in a proposed development within the PROF district may be divided by streets, alleys, rights-of-way, or easements, but shall be so located, dimensioned, and arranged as to permit unified planning and development and to meet all requirements in connection therewith, as well as to provide necessary protection against adverse relationships between uses in the proposed development and uses in surrounding areas.

c. Development Intensity

The proposed development shall have an intensity consistent with the surrounding land uses and zoning. Intensity of a proposed development shall be used in determining compliance with the requirements of the Comprehensive Plan or this Code and in determining the character of the proposed development. Net intensities of a portion of an existing development shall not be used as a precedent for higher intensities in surrounding areas. To ensure that a precedent is not set, net intensities of any portion of a district shall be compatible with other portions of the district and surrounding districts.

d. Relation to Public Utilities, Facilities, and Services

1. The proposed development shall be so located in relation to transportation systems, sanitary sewers, emergency services, water lines, storm and surface drainage systems, and other utilities systems and installations that neither extension nor enlargement of such systems will be required in a manner, form, character, location, degree, scale, or timing resulting in higher net public cost or earlier incursion of public cost than would development in forms generally permitted under current zoning and development policies for the area.
2. The proposed development shall be so located with respect to necessary public facilities as to have access to such facilities in the same degree as would development permitted under existing zoning and shall be so located, designed, and scaled that access for public services is equivalent to development as permitted under standard development controls.
3. The applicant shall have the option of providing private facilities, utilities and services, approved by appropriate public agencies, as

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substituting on at least an equivalent basis for inadequate public facilities, utilities, and services required by the PROF district within which the proposed development is to occur. In addition, the applicant shall make appropriate arrangements for the satisfactory continuing operation of such facilities, utilities, and services not dedicated to and accepted by the public, permanently or until similar public facilities, utilities, or services are available and used.

4. The applicant shall also have the option to make provisions, acceptable to the City, for off-setting any added cost or early commitment of public funds made necessary by such development.
5. Proposed developments within the PROF districts shall be subject to the terms of all applicable development standards relating to the provision of public services. Determinations concerning the adequacy and efficiency of the provision of the described public facilities shall be based upon performance standards adopted by the City Council.

e. Relation to Major and Minor Transportation Facilities

The proposed development, where appropriate because of the size or intensity, shall be so located with respect to minor arterial and collector streets, or mass transit facilities, and shall be so designed as to provide direct access to and from such facilities, where possible, without creating excessive traffic along minor streets in residential neighborhoods outside the district. Direct connections to major arterials shall be strongly discouraged and the burden of proving to the City that such a connection is required shall rest with the developer of the proposed project.

f. Compatibility

The proposed development shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as traffic, noise, or lights. Project control shall be accomplished through such techniques as buffering, architectural design, height limitations, and density or intensity limitations.

g. Transitions

The proposed development shall be responsive to the character of the area. When located in an area where land use types and/or intensities or densities vary, the proposed development shall be designed in such a manner as to provide for gradual changes in intensity and/or density.

h. Internal/External Relationship

1. Access.

- (a). Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian

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traffic. Merging and turnout lanes or traffic dividers and extra width of the approach street shall be required where existing or anticipated traffic flows indicate need.

- (b). Vehicular access to streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed, and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes traffic friction, and excessive interruptions.
- (c). Pedestrian access may be provided at any suitable location within the district. Where practical, it shall be separated from vehicular access points in order to reduce congestion, marginal friction, and hazards, except where signalization is used to control pedestrian and vehicular movement safety.

2. Streets, Drives, Parking, and Service Areas

Streets, drives, parking, and service areas shall provide safe and convenient access to all buildings and general facilities. Streets shall be laid out so as to discourage outside traffic from traversing the development on minor streets. Streets shall not occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks. Commercial and office uses shall be grouped in relation to parking areas such that after visitors arriving by automobile enter the walkway system, establishments can be visited conveniently with a minimum of internal automotive movements. Facilities and access routes for deliveries, servicing, and maintenance shall be so located and arranged as to prevent interference with pedestrian traffic within the district. Loading zones where customers pick up goods shall be located and arranged as to prevent interference with pedestrian movement.

3. Pedestrian Systems

- (a). All proposed developments within PROF districts, as appropriate, shall provide internal or external walkways where pedestrian circulation requires them.
- (b). The site plan shall provide for safe, efficient, convenient, and harmonious groupings of structures, uses, facilities, and open spaces in a manner facilitating pedestrian movement between major origins and destinations within and adjacent to the proposed development with a minimum of conflict with vehicular traffic.
- (c). Pedestrian systems through buildings shall be related to a network of exterior open spaces reserved for pedestrian use and enjoyment. Interior and exterior pedestrian ways shall be scaled for anticipated traffic and form a convenient pattern connecting major concentrations of uses within the proposed development, and shall connect to principal access points within and outside the district.
- (d). Access for pedestrians and cyclists entering or leaving the proposed development shall be by safe and convenient routes.

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Where there are crossings of pedestrian ways and vehicular routes at edges of proposed developments, such crossings shall be safely located, marked, and controlled, and where such ways are exposed to substantial vehicular traffic at edges of the development, be required to prevent crossings except at designated points. Bicycle or pedestrian paths, if provided, shall be so related to the vehicular system that street crossings are combined.

4. Orientation

The orientation of the development shall generally be toward internal streets and pedestrian systems and away from adjacent local streets and adjacent residential land uses.

5. Outdoor Lighting

Outdoor lighting shall be provided in all developments that do not require street lights. Outdoor lighting shall be located so as to illuminate the project as necessary to provide safe passage within the development. The source of the light, such as the bulb or filament, of outdoor lighting fixtures shall not be directly visible from property outside the Zoning Lot on which it is located. Additionally, the maximum illumination permitted at the Zoning Lot line shall be 0.20 foot-candles.

6. Underground Utilities

Electrical distribution, with the exception of circuit feeder or larger lines and telephone service lines, shall be underground in all proposed developments within PROF districts that are in an area served by underground utilities and in other areas whenever possible.

7. Off-Street Parking and Loading Requirements

Off-street parking and loading shall be as required by Section 25.760 of the City Code. Off-street parking and loading shall be provided such that location and design is appropriate to the needs of occupants and users of the proposed development and protection of adjacent property from adverse effects. No space designated as a required off-street parking space for the general public shall be used as an off-street loading space or maneuvering room for vehicles being loaded or unloaded.

(Ord. No. 1154, 10-18-2005, Ord. No. 1207, 7-3-07)

(e) PD-R Planned Development Residential

Lot area and width requirements:

Subject to the limitations provided herein, the City Council shall, in approving a PD-R district, establish the appropriate lot area and width requirements for each new lot. The City Council is, however, prohibited from establishing lots which are less than 65% of the area and width

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requirements of the zoning district (“existing zoning”) which is in effect for the property at the time an application for a PD-R district is submitted. Further, all other land development regulations and dimensional requirements applicable to the existing zoning, including but not limited to setbacks, shall be applicable to and incorporated in the approved PD-R district.

Standards:

The following standards shall be used in evaluating an application for a PD-R zoning district:

- (1) The development shall be consistent with the existing pattern of development and character of the neighborhood in which it is located.
- (2) There shall be adequate infrastructure available to serve the development.
- (3) Upon approval of the PD-R zoning district, the project shall commence construction within six (6) months of the date of approval.

Conflicts:

The approval by the City Council of the location of the proposed structures, driveways or improvements does not release the applicant from complying with all other regulations and ordinances of the City and/or other applicable regulations of agencies having jurisdiction within the City.

Application requirements:

In applying for a PD-R zoning district, the applicant shall provide the following information to the City:

- (1) An accurate drawing showing the location of all proposed structures, driveways and/or improvements. The setbacks, parcel area size, building dimensions, and any other appropriate information requested by the Director, shall be depicted on the drawing. In addition, the drawing shall either graphically depict or note the location and distance of all abutting residential structures, driveways or improvements.
- (2) A scale shall be used for the drawing which will best depict the proposed development. When more than one (1) sheet is necessary to adequately portray the project, a first sheet shall be a master of the entire project at a smaller scale which keys the surrounding area, including abutting roads and the additional pages. All sheets shall be the same size.
- (3) The graphic scale of the drawing shall be shown on all drawings with a prominent directional arrow pointing to the top of the drawings 0 north.
- (4) The drawing shall identify the location of any existing easements, water courses, lakes or other such significant natural features upon the site.
- (5) The drawing shall note the section, township, range and a metes and bounds or platted lot description of each parcel on which a single family dwelling will be developed. The description must be complete to the extent that a starting point and boundary can be determined without reference to the drawing. In the metes and bounds description, the point of beginning shall be indicated on the drawing, together with all bearings and distance of the boundary lines.

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Approval of the PD-R zoning district:

City Council shall consider any request for a PD-R zoning in accordance with the provisions provided in Section 25.550 of this Chapter. The drawings described herein, representations made by the applicant during the public hearing when the zoning is considered, and any conditions imposed on the development by City Council, shall become part of the zoning and shall run with the land. Development of the subject property shall be in strict compliance with the approval of the PD-R zoning. (*Ord. No. 754, 9-17-90*)

(f) PRS Preservation.

- (1) Parking maximums shall be observed such that a minimum level of disturbance of land is achieved. Pervious parking facilities are preferred and may be constructed up to one (1) acre or up to ten (10%) of the property, whichever is less. Impervious parking areas meeting the criteria specified in Section 25.760.7 and 25.760.8 of *the Code* may be allowed but are subject to site plan approval by City Council. Any land acquired by the City or conveyed to the City for environmental preservation or conservation purposes, which carries parking or environmental conditions more restrictive than required by this Section, shall be further limited by those conditions.
- (2) Pervious parking areas shall consist of pervious surface such as crushed shell, mulch, pervious pavers or other similar surface that allows for as near as possible the natural flow of rainwater.
- (3) Internal roadways designed for maintenance shall consist of as close to possible pervious surface, with minimal portions of roadway paved only as deemed necessary for accessibility for access to internal shelters/structures.

(*Ord. No. 1278, 8-17-10*)

Section 25.710.4 ACCESSORY USES, BUILDINGS OR STRUCTURES.

Pool and accessory structure setbacks shall be in full compliance with the yard and buffering requirements of the applicable zoning district, except as follows:

- (a) Except as otherwise may be provided in this Section, swimming pools, patios, decks and other outdoor living areas, including screened enclosures, not having a roof impervious to weather, must be located only within a rear yard; provided that no such allowed uses shall be located nearer than five (5) feet to any property line.

An additional setback from the lot line of one (1) foot shall be required for each one (1) foot of enclosure height not having a roof impervious to the weather that exceeds eleven (11) feet. The maximum slope thus established may be extended and enclosures may rise accordingly, but no part of any enclosure shall rise in height above the prescribed slope and no enclosure shall exceed the maximum height of any accessory structure which is twenty-four (24) feet. Consequently, the following heights are the maximum allowed at the corresponding setbacks:

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<u>Setback</u>	<u>Maximum Height</u>
5'	11'
6'	12'
7'	13'
8'	14'
9'	15'
10'	16'
11'	17'
12'	18'
13'	19'
14'	20'
15'	21'
16'	22'
17'	23'
18'	24'

Maximum height of twenty-four (24) feet allowed for any setback greater than eighteen (18) feet.

(b) Except as otherwise provided in this Section, detached accessory buildings and structures, including but not limited to garages, carports and storage sheds, but excluding uses set forth under Subsection (a) above, must be located within a rear yard; provided that no such building or structure shall be located nearer than five (5) feet to any property line and not closer than ten (10) feet to the principal structure. On corner lots, no detached accessory building or structure shall be located forward of the building line of the principal structure.

An additional setback from a lot line of one (1) foot shall be required for each foot of total building or structure height exceeding eleven (11) feet, until a setback of ten (10) feet is reached.

(c) Total combined building coverage of all principal permitted and accessory buildings and structures shall not exceed the maximum building coverage allowed within the applicable zoning district.

(d) No permanent building or structure shall be located within a publicly dedicated easement.

(e) There shall be full compliance with the off-street parking and service requirements of the applicable zoning district.

(f) On lots which abut the Temple Terrace golf course, accessory buildings and structures may be located in the side yard. On corner lots, no detached accessory building or structure shall be located forward of the building line of the principal structure. Accessory structures in a side yard shall maintain a minimum five (5) feet setback.

(Ord. No. 770, 3-5-91; Ord. No. 1050, 9-13-01; Ord. No. 1090, 5-20-03)

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Section 25.710.5 YARD ENCROACHMENTS.

Every part of a required yard shall be open and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted by this Chapter:

- (a) Sills or belt courses may project not over twelve (12) inches into a required yard.
- (b) Cornices, eaves, gutters or movable awnings may project not over three (3) feet into a required yard.
- (c) Chimneys, fireplaces, or pilasters may project not over two (2) feet into a required yard.
- (d) Fire escapes, stairways and balconies which are unroofed and unenclosed may project not over five (5) feet into a required rear yard, or not over three feet eight inches (3'8") into a required side yard of a multi-family dwelling or motel.
- (e) Hoods, canopies or marquees may project not over three (3) feet into a required yard, but shall not extend closer than one (1) foot to any lot line.
- (f) Accessory parking may be located in a required side yard if the area so used for parking is properly screened from adjacent property by a fence, wall or planting.
- (g) Air conditioner units and other mechanical equipment may extend not over four (4) feet into a required side or rear yard.
- (h) Entrance stoops, including roof covering, may extend not over four (4) feet into a required yard.
- (i) Tree well and planter structures may extend no more than twenty-four (24) inches above ground level as measured from a high point on the ground, which is no more than eight (8) feet from the centerline of the protected tree; provided, however, that such structure shall comply with the following terms and conditions:
 - (1) Such structure shall be designed and installed in a proper manner to protect trees from grade changes that may adversely affect or endanger said trees;
 - (2) No such tree well structure shall impair or hinder traffic and visibility from the road; and
 - (3) The structure shall be constructed of materials appropriate to the purpose and aesthetically harmonious with the location. In no instance shall fiberglass, plastics or any type of corrugated panel or sheet metal be used.
- (j) Retaining walls shall be permitted in any yard area, subject to the following restrictions:
 - (1) No such retaining walls shall be constructed, unless the plans for said retaining wall have been determined by the City to be in compliance with the requirements of this Section and all applicable requirements of the City's building code, and a building permit has been issued for such construction prior to installation or erection;
 - (2) The wall is necessitated by the unique topography or other extraordinary, exceptional conditions pertaining to the particular piece of property;
 - (3) The wall shall be constructed of materials appropriate to the purpose and aesthetically harmonious with the location. In no instance shall fiberglass, plastics, corrugated panel or sheet metal be permitted;

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- (4) All retaining walls shall have adequate provision for drainage of water from the retained site; and
- (5) Retaining walls shall not adversely affect the natural flow of surface water or create an adverse effect on adjacent property.

(k) Cantilevered, bay windows may not extend over two (2) feet into a required yard. (*Ord. No. 590, 9-2-86; Ord No. 732, 5-1-90*)

Section 25.710.6 EXCLUSION FROM HEIGHT LIMITS.

Penthouses, scenery lofts, towers, cupolas, steeples and domes, not exceeding in gross area at maximum horizontal section thirty (30) percent of the roof area, and flag poles, airplane beacons, broadcasting towers, antennas, chimneys, stacks, tanks and roof structures used only for ornamental or mechanical purposes may exceed the permissible height limit in any district by not more than twenty-five (25) percent. Parapet walls may extend not more than five (5) feet above the allowable height of the building. (*Ord. No. 164, 7-19-66; Ord. No. 732, 5-1-90*)

Section 25.710.7 LOT ADJACENT TO TWO OR MORE STREETS.

Where any lot extends through a block from street to street, except in cases where the lot is bounded on one of those streets by a subdivision wall, the applicable front yard requirements relative to both streets shall apply to said lot. In the case of a corner lot abutting the intersections of two (2) or more streets, the front of said lot shall be considered to be along the blockface with which said lot is most consistent in width and depth.

Where a corner lot is equally consistent in width and depth with two (2) blockfaces, said lot shall be considered to be a multiple-frontage corner lot and buildings thereon shall comply with the front yard requirements applicable to both said blockfaces. (*Ord. No. 796, 12-3-91*)

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Section 25.715 FLOODPLAIN PROTECTION.

Section 25.715.1 PURPOSE.

It is the purpose of this Section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion, or which result in damaging increases in erosion hazards, or in flood heights or velocities;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (d) Control filling, grading, dredging and other development which may increase erosion or flood damage, and
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 25.715.2 OBJECTIVES.

The objectives of this Section are:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions.
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains.
- (f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (g) To ensure that potential home buyers are notified that property is in a flood area.

Section 25.715.3 DEFINITIONS.

In addition to definitions provided in Article II of this Chapter, the following words and terms as used in this Section are defined as follows:

“Elevated building” means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

“Existing construction” means any structure for which the “start of construction” commenced before August 19, 1987.

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“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 19, 1987.

“Flood Insurance Study” is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Highest adjacent grade” means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

“Historic Structure” means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

By an approved state program as determined by the Secretary of the Interior,

Directly by the Secretary of the Interior in states without approval.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation design standards of this ordinance.

“National Geodetic Vertical Datum (NGVD)” as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place in which the cumulative cost equals or exceeds fifty percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring.

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This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.

(Ord. No. 1234, 9-3-08)

Section 25.715.4 LANDS TO WHICH THIS SECTION APPLIES.

Section 25.715, in its entirety, applies to all areas of special flood hazard within the corporate limits of the City of Temple Terrace.

Section 25.715.5 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study dated August 19, 1987, as amended August 18, 1990, for the City of Temple Terrace, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this Section.

Section 25.715.6 ESTABLISHMENT OF A BUILDING PERMIT.

A building permit shall be required in conformance with the provisions of this Section prior to the commencement of any development activities, including erection, repairs, reconstruction or alteration of, or improvements to, any structure or portion thereof resulting in substantial improvement thereto, or other development, including but not limited to, the placement of a mobile home, dredging, filling, grading, paving or clearing of land lying within areas identified as areas of special flood hazard or floodways, on the flood hazard boundary map.

Section 25.715.7 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Section and other applicable regulations.

Section 25.715.8 ABROGATION AND GREATER RESTRICTIONS.

This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 25.715.9 INTERPRETATION.

In the interpretation and application of this Section, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and, (3) deemed neither to limit nor repeal any other powers granted under State Statutes.

Section 25.715.10 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City of Temple Terrace or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

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Section 25.715.11 PERMIT PROCEDURES.

Application for a building permit shall be made to the Department of Community Services (*Ord. No. 1161, 2-21-06*) on forms furnished by him/her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (a) Application stage.
 - (1) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
 - (2) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;
 - (3) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Section 25.715.17(b);
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
 - (5) Base flood elevation stated on the plan, with sufficient elevations taken on site to delineate the base flood elevation contour lines.
 - (6) Proposed changes in topography by filling, grading, or excavating.
 - (7) All foundation plans, plans for flood proofing, and plans for anchorage shall be prepared, signed and sealed by a structural engineer registered as a professional engineer in the State of Florida. All surveys and elevations shall be prepared, signed and sealed by a Florida registered land surveyor.
- (b) Construction stage.

Provide a floor elevation or flood-proofing certification after the lowest floor is completed. Upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Department of Community Services a certification of the elevation of the lowest floor flood-proofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The City Engineer shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. (*Ord. No. 1161, 2-21-06*)

Section 25.715.12 DESIGNATION OF ADMINISTRATOR.

The City Engineer is hereby appointed to administer and implement the provisions of this Section.

Section 25.715.13 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR.

Duties of the Administrator shall include, but not be limited to:

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- (a) Review all development permits to assure that the permit requirements of this Section have been satisfied;
- (b) Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- (c) Notify adjacent communities and affected governmental agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (e) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Section 25.715.11(b).
- (f) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Section 25.715.11(b).
- (g) When flood-proofing is utilized for a particular building, the Administrator shall obtain certification from a registered professional engineer or architect, in accordance with Section 25.715.16(b).
- (h) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Section.
- (i) When base flood elevation data or floodway data have not been provided in accordance with Section 25.715.5, then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Section 25.715.5.
- (j) All records pertaining to the provisions of this Section shall be maintained in the office of the Administrator and shall be open for public inspection.

Section 25.715.14 VARIANCE PROCEDURES.

Variations to this Section may be granted by the Board of Adjustment, as provided in Section 25.830.1(a) of this Chapter.

Section 25.715.15 PROVISIONS FOR FLOOD HAZARD REDUCTION.

In all areas of special flood hazard the following provisions are required:

- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces. Specific mobile home requirements shall be:

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- (1) Over-the-top ties shall be provided at each of the four corners of the mobile home, with one additional tie per side at intermediate locations for mobile homes less than fifty (50) feet long. Mobile homes more than fifty (50) feet long shall have two additional ties per side;
 - (2) Frame ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations for mobile homes more than fifty (50) feet long, one additional tie per side for mobile homes less than fifty (50) feet long;
 - (3) All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and
 - (4) Any additions to the mobile home shall be similarly anchored.
 - (5) Lots or pads shall be elevated on compacted fill or by any other method approved by the City Engineer so that the lowest habitable floor of the mobile home is at least eighteen (18) inches above the base floor elevation.
 - (6) Adequate surface drainage and access for mobile home haulers shall be provided.
 - (7) Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings no more than ten (10) feet apart, and if the support height is greater than seventy-two (72) inches, the support must contain steel reinforcement.
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (i) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this Section, shall meet the requirements of “new construction” as contained in this Section.
- (j) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Section, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

Section 25.715.16 SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Section 25.715.5 or 25.715.13(I), the following provisions are required:

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(a) Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than 1.5 feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 25.715.16(c).

(b) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than 1.5 feet above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated, provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 25.715.13(g).

(c) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevations shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- (1) Designs for complying with this requirement must either be certified by a professional engineer or architect to meet the following minimum criteria:
 - a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one foot above grade; and,
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- (3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(d) Standards for Manufactured Homes and Recreational Vehicles.

- (1) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
- (2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision, must be elevated so that:
 - a. The lowest floor of the manufactured home is elevated no lower than 1.5 feet above the level of the base flood elevation, or

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- b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade.
- c. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
- d. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Section 25.715.15(d)a. and c. above.

(3) All recreational vehicles placed on sites must either:

- a. Be fully licensed and ready for highway use, or
- b. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Section 25.715.15(d)(1) or (2)a. and c. above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

(e) Floodways. Located within areas of special flood hazard established in Section 25.715.5, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
- (2) If Section 25.715.16(e)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 25.715.15.
- (3) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Section 25.715.15(b), and the elevation standards of Section 25.715.16(a) and the encroachment standards of Section 25.715.16(e)(1) are met.

Section 25.715.17 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in Section 25.715.5, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

(a) No encroachments, including fill material or structures shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

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(b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 25.715.13(i).

Section 25.715.18 STANDARDS FOR SUBDIVISION PROPOSALS.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.

(Ord. No. 610, 2-17-87; Ord. No. 656, 6-7-88; Ord. No. 722, 4-17-90; Ord No. 882, 9-27-94)

Section 25.716 STORMWATER QUALITY MANAGEMENT.

Section 25.716.1 TITLE.

This Section shall be known and may be cited as the City of Temple Terrace Stormwater Quality Management Section.

Section 25.716.2 DEFINITIONS.

Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application. Use of the word “shall” means mandatory and not merely discretionary.

- (a) **Best Management Practices (BMPs).** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollutants from entering the Municipal Separate Storm Sewer System (MS4) or being discharged from the MS4. BMPs include, but are not limited to, treatment methods and practices to control the discharge of pollutants.
- (b) **City.** City of Temple Terrace, Florida.
- (c) **City Council.** The City Council of the City of Temple Terrace, Florida.
- (d) **City Manager.** The City Manager of Temple Terrace or his/her designee.
- (e) **Clean Water Act (CWA).** Amendments, passed in 1972 by Congress, to the Federal Water Pollution Control Act and commonly referred to as the Clean Water Act (CWA).
- (f) **Code of Federal Regulations (CFR).** The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.
- (g) **Construction Activities.** Includes such activities as clearing, grading, and excavation activities.
- (h) **Discharge.** Includes, but is not limited to, any release, spilling, leaking; seeping, pouring, emitting, emptying or dumping of any substance or material.

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- (i) **Florida Administrative Code (FAC).** An annotated official compilation of the rules and regulations of the State of Florida, published by the Florida Secretary of State.
- (j) **Illicit Connections.** Point source discharges to the City’s MS4 or to waters of the U.S., which are not composed entirely of stormwater and are not authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Failure of an industrial facility or construction site to notify the City Manager of a connection to the City’s MS4 constitutes an illicit connection.
- (k) **Illicit Discharge.** Any discharge to a MS4 or to waters of the U.S. that is not composed entirely of stormwater, with the exception of discharges which are exempt pursuant to Section 25.716.11 of this Section. Any discharge in violation of an NPDES permit shall constitute an illicit discharge.
- (l) **Industrial Activities.** Activities which are conducted on properties designated for industrial land use in accordance with the City of Temple Terrace Comprehensive Plan and/or at facilities identified by the U. S. EPA as requiring an NPDES stormwater permit under the definition of “Storm Water Discharge Associated with Industrial Activity” in Title 40, Section 122.26 of the Code of Federal Regulations or any amendment thereto.
- (m) **Inspection.** Includes, but is not limited to, any on-site physical examination of all facilities and grounds which may discharge to a MS4, a review of all records on operation and maintenance of facilities and the results of any monitoring performed for compliance with state, federal and local regulations or permit conditions.
- (n) **Municipal Separate Storm Sewer System (MS4).** A conveyance or system of conveyances (including but not limited to, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) owned or operated by a local government that discharges to waters of the United States or connects to other MS4s, that is designed solely for collecting or conveying stormwater, and that is not part of a publicly owned treatment works (POTW) as defined by 40 CFR 122.2 or any amendment thereto.
- (o) **National Pollutant Discharge Elimination System (NPDES).** Means the federal program for issuing, modifying, revoking, reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of CWA. The term also includes an “approved program.”
- (p) **Person.** Any individual, partnership, firm, organization, corporation, association or other legal entity, whether singular or plural, as the context may require.
- (q) **Point Source.** Any discernible and confined conveyance, including but not limited to, any pipe, ditch, channel tunnel, conduit, well, container, rolling stocks, concentrated animal feeding operation, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.
- (r) **Pollutant.** Means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42(U.S.C.2011 et seq.)), heat, wrecked or discharged equipment, rock, sand, and industrial, municipal, and agricultural waste discharged into water.
- (s) **Stormwater.** Surface runoff and drainage of water resulting from rainfall.
- (t) **Waters of the United States (U.S.)** As defined by the U.S. Environmental Protection Agency (EPA) in Title 40, Section 122 of the Code of Federal Regulations or any amendment thereto.

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Section 25.716.3 CONTROL OF STORMWATER DISCHARGES.

(a) Discharges to the City's MS4 shall be controlled to the extent that such discharges will not impair the operation of the MS4 or contribute to the failure of the MS4 to meet any local, state or federal requirements. Discharges to waters of the U.S. shall be controlled to the extent that the discharge will not adversely impact the quality or beneficial uses of the receiving water or result in violation of any federal, state or local laws.

(b) Any person responsible for discharges determined by the City to be contributing to the degradation of the City's MS4 or the waters of the U.S., either directly or through a MS4, shall provide corrective measures in accordance with a schedule approved by the City and may be subject to paying fines and damages.

Section 25.716.4 STORMWATER DISCHARGES FROM INDUSTRIAL ACTIVITIES AND CONSTRUCTION ACTIVITIES.

(a) Stormwater from construction sites shall be controlled in such a way as to retain sediment on-site and prevent violations of state water quality standards or NPDES permits. All erosion, pollution, and sediment controls required pursuant to the pollution prevention plan of a NPDES stormwater permit for construction or required pursuant to a state stormwater permit issued by either the Florida Department of Environmental Protection or the Southwest Florida Water Management District shall be properly implemented, maintained and operated.

(b) Stormwater from areas of industrial activity shall be treated or managed on-site, using best management practices, in accordance with NPDES permits, prior to discharging to the City's MS4 or to waters of the U.S. All stormwater discharges from the site shall be of a quality which will not adversely impact the water quality or beneficial uses of the receiving water.

(c) The owners or operators of industrial facilities or construction sites which will discharge stormwater to the City's MS4 or to waters of the U.S., must provide written notification of connection to the City prior to discharging.

Section 25.716.5 CONTROL OF POLLUTANT CONTRIBUTIONS FROM INTERCONNECTED MS4S.

The discharge of stormwater between interconnected state, county or other MS4s shall not impair the quality of the discharge of the receiving MS4. Owners of sections of an interconnected MS4 shall be responsible for the quality of discharge from their portion of the system and shall coordinate with the owners of the downstream segments prior to the connections into their systems.

Section 25.716.6 PROHIBITION OF ILLICIT DISCHARGES AND ILLICIT CONNECTIONS.

Any discharge, other than stormwater, to the City's MS4 or to waters of the U.S. which is not exempt under Section 25.716.11 of this Section, and any connection which is not composed entirely of stormwater or specifically permitted through an NPDES permit, is considered an illicit discharge or an illicit connection and is prohibited.

Section 25.716.7 REPORTING ILLICIT DISCHARGES OR ILLICIT CONNECTIONS.

Upon discovery of an illicit discharge or an illicit connection, persons responsible for the discharge or the connection shall report their findings by telephone immediately to the City and follow within 48 hours with written notification.

Section 25.716.8 CONTROL OF ILLICIT DISCHARGES OR ILLICIT CONNECTIONS.

Persons responsible for illicit discharges or illicit connections shall immediately, upon notification or discovery, initiate procedures to cease discharging or provide suitable containment facilities. Such procedures shall include a requirement to obtain approval from the City Manager of a schedule for implementing proposed corrective measures.

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Section 25.716.9 INSPECTION AND MONITORING FOR COMPLIANCE.

City personnel shall be granted access for inspection of facilities discharging or suspected of discharging to the City's MS4 or waters of the U.S. in order to effectuate the purposes of this Section and to investigate violations or potential violations of any of the terms herein. All structures and processes which allow discharges to the City's MS4, as well as records concerning them, shall be made accessible to City personnel for monitoring of the quality of the discharges.

Section 25.716.10 MAINTENANCE OF CONTROL STRUCTURES.

Structural controls and other BMPs used to reduce pollutants in stormwater discharges shall be operated and maintained so as to function in accordance with the permitted design or performance criteria in compliance with NPDES or other permit conditions. Operation and maintenance shall be done so as to assure treatment of stormwater or reduction in pollutants in stormwater discharges consistent with appropriate federal, state, water management district, or local rules or permit requirements.

Section 25.716.11 EXEMPTIONS.

The following activities shall be exempt from the requirements of this Section:

- (a) Discharges from:
 - (1) Water line flushing;
 - (2) Landscape irrigation;
 - (3) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20) to separate storm sewers;
 - (4) Uncontaminated pumped ground water;
 - (5) Discharges from potable water sources;
 - (6) Air conditioning condensate;
 - (7) Swimming pools;
 - (8) Irrigation water;
 - (9) Springs;
 - (10) Lawn watering;
 - (11) Individual residential car washing;
 - (12) Flows from riparian habitats and wetlands;
 - (13) Street wash waters; and
 - (14) Discharges or flows from emergency fire fighting activities, and emergency response activities employing best management practices.

- (b) Discharges which meet the water quality standards of Chapter 17-302 FAC, and any amendment thereto.

- (c) Discharges from facilities in compliance with the conditions of all required NPDES permits issued under the authority of the U.S. Environmental Protection Agency.

Section 25.716.12 ENFORCEMENT, PENALTIES AND LEGAL PROCEEDINGS.

(a) This Section shall be administered by the City Manager. All persons in violation of this Section shall address such violations immediately upon written notification by the City. Violations shall be addressed by providing a written response to the City Manager, requesting outlining the temporary and permanent measures that will be taken to correct the violation and a proposed schedule for completion of each of the corrective measures. Proposals for corrective action are subject to the approval of the City Manager.

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(b) The City Manager is authorized to issue cease and desist orders in the form of written official notice sent by registered mail to the person(s) responsible for the violation. Specific activities and operations may be ordered to be ceased based upon the following conditions:

- (1) In a situation that may have a serious effect on the health, safety or welfare of the public or the environment, including the operation of and quality of stormwater in the City's MS4.
- (2) When irreversible or irreparable harm may result, in the reasonable opinion of the City Manager, and immediate cessation of the activity is necessary to protect the public or the environment, including the operation of and quality of stormwater in the City's MS4.

(c) Any person who violates this Section and/or fails to comply with the requirements of Subsections (a) or (b) shall be subject to legal action before the Municipal Code Enforcement Board and shall be subject to administrative fines and liens, or other penalties, as set forth in Chapter 162, Florida Statutes. Each day of non-compliance shall constitute a separate violation.

(d) In addition to any fines which may be imposed by this Section, persons responsible for a discharge which adversely impacts a receiving water shall be liable for all sampling and analytical costs incurred in monitoring the discharge, any state or federal fines imposed as a result of the discharge and the cost of removing or properly treating the discharge for complete restoration of the quality of all receiving waters.

(e) If the person(s) responsible for a violation fails to take action(s) required in Section 25.716.12(e), the City has the right to take remedial action. All costs incurred by the City in taking such action(s) shall be reimbursed by the person(s) responsible for the illicit discharge or illicit connection.

(f) In addition to the remedies provided herein, the City is authorized to make application in a court of appropriate jurisdiction for an injunction restraining any person from violating, or continuing to violate, any provisions of this Section. In addition, the City may also seek entry of a court order requiring restoration and mitigation for any impacted land or waters or request any other appropriate, applicable legal remedy, including reimbursement of court costs.

(g) The City may elect any or all of the above remedies concurrently, and the pursuance of one shall not preclude the pursuance of another.

(Ord. No. 1083, 1-21-03)

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Section 25.720 ENVIRONMENTALLY SENSITIVE LANDS PROTECTION.

Section 25.720.1 TITLE.

This Section shall be known and may be cited as the City of Temple Terrace Environmentally Sensitive Lands Protection Section.

Section 25.720.2 AUTHORITY.

This Section is adopted pursuant to Chapter 163 and Chapter 166, Florida Statutes, and the adopted Comprehensive Plan of the City of Temple Terrace, Florida, with specific reference to the Conservation Element of said Plan.

Section 25.720.3 PURPOSE.

The purpose of this Section is to protect areas designated in the adopted Comprehensive Plan of the City as environmentally sensitive through the establishment of land use and development regulations and standards consistent with the need to provide for appropriate balance and growth in the maintenance and development of the community. Concurrently, this Section shall protect significant wildlife habitat and prevent net loss of areas essential for the well being and survival of native and endangered wildlife species, particularly in the Hillsborough River corridor.

Section 25.720.4 INTENT.

It is intended that this Section be considered to present minimum standards and be interpreted strictly to ensure protection of the public health, safety, and welfare of the inhabitants of the City. It is further intended, however, that this Section shall not be applied so strictly as to deny the reasonable and beneficial use of land by property owners within the City.

Section 25.720.5 DEFINITIONS.

Where appropriate to the context, words and terms defined in the Conservation Element of the Comprehensive Plan shall have the same definitions herein. All other words and terms shall have the common meaning appropriate to the context unless specifically defined as follows:

- (a) ***Adverse Impact*** – Any impact which would be counter to the purpose and intent, or to the specific provisions of this Section. For the purposes of this Section, the following are examples of adverse impact:
- (1) Any significant reduction in the quality of surface water reaching environmentally sensitive land, including increases in suspended sediments, pesticide residues, or other pollutants which would affect the ability of the environmentally sensitive area to continue to function in its natural state, **OR**
 - (2) Any significant increase or reduction in the quantity of surface water reaching environmentally sensitive land, such that the increase or reduction would affect the ability of native plant and/or animal species to continue to thrive, **OR**

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- (3) Introduction of incompatible land uses in close proximity to environmentally sensitive land, such that the activities associated with the adjoining land uses would threaten the natural operation of the environmentally sensitive land (an example being the presence of domesticated pets which, if allowed to enter habitat area, might threaten native species therein) or such that normal activities necessary in the management of the environmentally sensitive land would be considered a nuisance to the adjoining land uses.

The nature and extent of what constitutes an “adverse impact” is a function of the nature and extent of the environmentally sensitive area in question. Generally, all development activities located within one thousand (1,000) feet of an environmentally sensitive area shall be reviewed to determine if they create an adverse impact.

(b) ***Environmentally Sensitive Lands*** – Lands located within the City that are characterized by one or more of the following:

- (1) Located within the one hundred-year flood plain of a stream, river, lake, or depression and including the boundary or shoreline area associated with such flood plain. For the purposes of this Section, the one-hundred year flood plain area shall be as shown on the Flood Insurance Rate Map issued under the National Flood Insurance Program administered by the Federal Emergency Management Agency, and boundary or shoreline areas shall be those areas located within twenty-five (25) feet of the one-hundred year flood plain.
- (2) Located within a wetland (connected or isolated) and including wetland fringe areas that are essential for maintaining the hydro-period of the wetland. For the purposes of this Section, wetlands shall be as established by the Florida Department of Environmental Regulation and/or the Environmental Protection Commission of Hillsborough County, whichever established area is more extensive, and fringe areas shall be all areas within twenty-five (25) feet of designated wetlands, unless a specific fringe area is established by either the Department of Environmental Regulation or the Environmental Protection Commission of Hillsborough County.
- (3) Located within a wetland or upland habitat for a species listed as either “threatened” or “endangered” by the Florida Game and Freshwater Fish Commission. For the purposes of this Section, the location of habitat areas shall be as established by the Game and Freshwater Fish Commission based on area-wide studies or studies of individual sites.
- (4) Located within a known or suspected archaeological site that is eligible for listing on the National Register of Historic Places. For the purposes of this Section, a site will be considered eligible if it is listed on the National Register or if it is included on the Master Archaeological Site File maintained by the Bureau of Historic Preservation, Florida Secretary of State.

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Section 25.720.6 GENERAL APPLICABILITY AND EXCEPTIONS.

Effective upon the date set forth herein, the City shall not approve any application for development on any environmentally sensitive land, or on any land elsewhere when such development will create an adverse impact on environmentally sensitive land, except as provided in this Section as follows:

- (a) No final plat under Section 25.600 of this Chapter and no final site plan under Section 25.630 of this Chapter shall be approved except as provided in Section 25.720.7 below, and
- (b) No building permit for a single family residential structure or major addition or change thereto shall be approved except as provided in Section 25.720.9 below.

This Section shall not be construed to prohibit any activity by the City or other unit of government, undertaken by that unit or on its behalf and under its direction, which activity is undertaken to address an immediate threat to the public health and safety or to protect and maintain operation of public facilities and services in the face of an immediate threat to the continued proper operation of such facilities. Where the responsible administrative official of the relevant unit of government determines that emergency action is necessary and such emergency action is taken, the Director shall subsequently review the effects of such action on areas and features protected by this Section and shall recommend to the City Council any further corrective action or mitigation appropriate to meet the purpose and intent of the Section. The responsible governmental agency shall then undertake such further corrective action or mitigation as may be directed by the City Council.

Where non-conforming development activity is proceeding under authority of a permit issued prior to the effective date of this Section, such activity may be continued subject to the terms of all applicable regulations. No such non-conforming development activity shall continue more than two years beyond the date of the permit unless it is made to conform to the requirements of this Section. Where individual phases of a multi-phased project are covered by a single final site plan issued prior to the effective date, the individual phases may be continued for no more than four years beyond the date of final site plan approval. Where a development project is not completed in the two or four year completion period set forth above, the site plan shall be reviewed by the City Council and changes shall be required where necessary and practicable to make the approved plan conform to the standards in this Section.

Section 25.720.7 PROCEDURE FOR APPROVAL OF PLATS AND SITE PLAN.

Where the Director determines that this Section applies to land under consideration for site plan or plat approval, the following procedure shall be followed:

- (a) An application, together with plans, maps and other documents necessary to describe the scope and extent of the land development activity within an environmentally sensitive area or where the land development activity will create an adverse impact on an environmentally sensitive area, shall be made to the Director. The number of copies of plans and other documents and the required content of submitted materials shall be as prescribed by the Director. For convenience, the application may be incorporated in and be coincident with an application for site plan or plat approval.
- (b) The Director shall review the application for completeness. The Director shall advise the applicant, in writing, within ten working days only if the application is not complete and ready for processing.

Determination that the application is complete shall not prevent the Director from requesting additional information, nor shall it prevent the applicant from voluntarily submitting additional information at a later stage.

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(c) The Director shall refer copies of the application and supporting documentation to the Florida Department of Environmental Regulation, the Florida Game and Freshwater Fish Commission, the Southwest Florida Water Management District, the Environmental Protection Commission of Hillsborough County and such other agencies as may from time to time request to be provided with copies of applications for special permits. The Director shall request comments and recommendations, or an indication that there will be no comments, within twenty working days. Failure to respond within the twenty-day period shall be construed as being an indication of no comment.

(d) The Director shall make a site inspection to determine the boundaries of any environmentally sensitive lands affected, and to determine the effects of the proposed activity on such lands. The Director may request the assistance of appropriate agencies in making this inspection, and may request that all or part of the inspection be made by appropriate officials on his behalf. The applicant shall be notified of the time and meeting place, at least five working days prior to the inspection.

(e) The Development Review Committee shall review the application and supporting materials along with the results of field investigations and reports submitted and shall make its recommendations, including recommendations for appropriate conditions, if any, to be attached to the approval.

(f) The Director shall prepare a report to the City Council containing the reports and recommendations of the various agencies and the report of the Development Review Committee. The report shall be made available to the applicant, interested agencies (including, at a minimum, all agencies who participated in the review of the application), and the general public prior to the City Council consideration of the application.

Prior to taking action on the application for final site plan or plat approval, the City Council shall consider the report and recommendation of the Director and all other relevant materials received.

In taking action on an application for final site plan or plat approval, the City Council may approve, approve with conditions, or deny the application. The City Council shall consider the standards set forth herein and the necessity for establishing appropriate conditions to ensure the standards are met. Where the City Council determines that one or more restrictions would have the effect of depriving the property owner of the reasonable, beneficial use of his land, the City Council may consider alternative restrictions, providing that any variation from the standards herein constitute the minimum variation necessary to prevent confiscation of the property.

Section 25.720.8 STANDARDS FOR AND PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS.

(a) Habitat Protection – Habitats for threatened or endangered species shall be protected to ensure the viability of the habitat to support the continued functioning of the species. This shall be done by preserving the habitat from change, including reduction in size, destruction of major features or vegetation within the habitat, changes in surface water flow patterns, and/or introduction of pollutants. In addition, land development and land uses in areas near the habitat shall be restricted as needed to prevent adverse impacts. Where development in or near an environmentally sensitive area will substantially reduce the viability of the habitat area, the City Council may require mitigation. Mitigation may include such actions as restoration of contiguous or disturbed areas, either on-site or off-site, to a condition that provides satisfactory habitat or relocation of the species to appropriate non-contiguous areas dedicated for permanent use as habitat areas. Mitigation shall be subject to approval by the Florida Game and Freshwater Fish Commission. The following specific standards shall be applied to protect habitat areas:

- (1) Where specific management and recovery strategies for key listed species have been developed by the Florida Game and Freshwater Fish Commission and/or the United States Fish and Wildlife Service, any activity within an environmentally sensitive area shall conform, to the maximum extent feasible, to the strategy.

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- (2) Exotic nuisance vegetation within environmentally sensitive areas and within nearby areas which may affect environmentally sensitive areas shall be removed and replaced with native plant species. Appropriate native vegetation shall be preserved and/or provided along river banks.
- (3) Significant trees and tree species shall be preserved and protected as provided in Section 25.735 of this Article.
- (4) Examples of upland native plant communities, both within and near environmentally sensitive areas, shall be preserved.
- (5) Where new planting or landscaping areas are provided in or near environmentally sensitive areas, xeriscape landscaping shall be used to the maximum extent feasible.

(b) Water Quality and Flow – There shall be no reduction in water quality nor shall there be substantial changes in surface water flow characteristics for surface water entering any environmentally sensitive area. Where off-site development drains into such an area, the City Council may require the provision of retention and detention basins, sedimentation ponds, and other improvements to ensure that the quality of water remains high and that the natural conditions of environmentally sensitive areas are preserved. The following specific standards shall be applied for protection of environmentally sensitive areas:

- (1) Surface water management systems shall be designed so as to minimize destruction of natural vegetation. Natural landform, such as swales and depressions, shall be incorporated into drainage systems as much as possible and consistent with water quality strategies. Wherever possible, basins and swales shall consist of vegetated surfaces rather than land surfaced areas.
- (2) Paved areas, including roadways, drives and parking areas, which discharge surface water to environmentally sensitive lands shall be designed so as to minimize water quality deterioration.
- (3) Where new drainage outfalls are constructed to the Hillsborough River, or into environmentally sensitive areas, detention basins shall be used to prevent surface water flowing directly into the River or environmentally sensitive areas.
- (4) New vertical seawalls shall not be permitted along the Hillsborough River. Where practical, existing seawalls will not be repaired. Permitted alternatives shall include rip-rap and/or native wetlands vegetation on appropriate slopes.
- (5) Erosion and sedimentation control shall be provided during construction to protect environmentally sensitive areas from the effects of construction or land disturbance activity. Details or erosion and sedimentation control methods shall be reviewed and approved by the Director prior to the commencement of construction. Where land is disturbed, but no work is expected to take place within sixty (60) days, or where no work has been undertaken within sixty (60) days, the Director may require that action be taken to reduce erosion of the disturbed lands. Such action may include, but is not necessarily limited to, temporary sedimentation barriers or sedimentation ponds, seeding to produce an interim cover crop, mulching and/or grading of stockpiled materials to reduce erosion. The Director may require that a bond be posted to ensure completion and satisfactory operation of any interim erosion and sedimentation control measures.
- (6) Wetlands and other natural water bodies shall not be used for sedimentation during development or post-development except where approved by the Florida Department of Environmental Regulation and the Environmental Protection Commission of Hillsborough County.

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(c) Archaeological sites – Archaeological sites that are known or suspected shall be protected. This shall be done by avoiding excavation and disturbance activities in areas known to have sites, and by evaluating suspected areas before disturbance. Where disturbance is proposed for known or suspected archaeological sites, such sites shall be evaluated in terms of State or Federal criteria to determine eligibility for listing on the National Register of Historic Places. Such evaluation shall be completed before any development or disturbance activity commences. Eligible sites shall be either preserved or excavated and documented prior to destruction.

(d) Site design – Development proposed for environmentally sensitive lands or for nearby area lands shall be designed to maximize the ability of the environmentally sensitive area to function in an undisturbed natural condition. The following specific standards shall be applied for the protection of environmentally sensitive areas:

- (1) Uses and activities within environmentally sensitive areas shall be limited to those uses and activities which, by their nature, must be located within these areas. Uses and activities on other lands that might create an adverse impact on environmentally sensitive areas shall be designed to reduce or eliminate such impacts. The City Council may require the rearrangement of uses or activities on a site plan or the rearrangement of lots on a plat in order to minimize the impact of such uses on environmentally sensitive lands.
- (2) Use of planned unit development design and permitting procedures pursuant to Section 25.745 of this Article is encouraged for development located within or near environmentally sensitive areas. The City Council may require use of this technique if it finds such use necessary to ensure adequate protection of environmentally sensitive lands.
- (3) All parking lots and other impervious surface areas, loading docks, and service areas located on all property except single-family residential, and located within one hundred-fifty (150) feet of the Hillsborough River, shall be screened from the River by planting of native vegetation.

(e) Setbacks and Conservation Easements – The following conservation easements and setbacks shall be required for any development of property that occurs adjacent to the environmentally sensitive areas along the Hillsborough River. For purposes of this Section, the required easements and setbacks shall be measured from the normal high water level of the River.

- (1) Conservation easements shall be granted as provided in Section 25.720.10 and shall encompass all areas between the River and the landward boundary of established jurisdictional wetlands, or one hundred-fifty (150) feet landward from the River, whichever is greater;
- (2) No building shall be located closer than fifty (50) feet from the landward boundary of the established jurisdictional wetlands, or two hundred (200) feet from the River, whichever is greater; and
- (3) No impervious surface shall be located closer than fifty (50) feet from the landward boundary of established jurisdictional wetlands, or one hundred-fifty (150) feet from the River, whichever is greater.
- (4) Opaque, non-living buffering, located in rear or side yards of single-family residential property is prohibited within fifty (50) feet of the Hillsborough River.
- (5) Flood plain areas – No activity may be permitted in violation of any applicable local, state, or federal regulation, specifically including, but not limited to, applicable flood plain management regulations. All approvals and conditions thereof shall be consistent with the adopted Comprehensive Plan.

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The conservation easement and setback requirements in (e)(1), (e)(2) and (e)(3) shall not apply to single-family residential development within a single-family residential zoning district on parcels upon which a residence existed prior to February 1, 1990, provided that (i) no additional riverfront lots are created, (ii) any building, impervious surface, and screening are not constructed closer to the River than buildings, impervious surfaces and screening on adjacent parcels and in no event closer than fifty (50) feet from the landward boundary of established jurisdictional wetlands, and (iii) any application for development approval for such single-family development shall contain a certification that property owners within one hundred (100) feet of the perimeter of the property have been notified of the development application and proposed River setbacks. (*Ord. No. 1000, 5-18-99; Ord. No. 1009, 12-21-99*)

Section 25.720.9 REGULATIONS GOVERNING SINGLE-FAMILY STRUCTURES.

(a) This Section applies to the review by the Director of any application for a building permit for the construction of or any change to a single-family residence or a structure accessory thereto which involves land within an area designated as environmentally sensitive. This Section shall not apply to any change which is wholly within a structure or only affects the façade of the structure, or where the Director finds that the change does not create additional impacts on environmentally sensitive areas.

(b) This Section shall not apply to parcels of land platted before the effective date of this Section, provided that the building permit is issued within four years after the date of designation of any wetlands boundary line established by the Florida Department of Environmental Regulation or the Environmental Protection Commission of Hillsborough County, and shown on the recorded plat. Any permit exempted by this Section shall otherwise be in compliance with the general conditions of this Section and the specific conditions placed on the plat at time of approval.

(c) Prior to issuance of any permit by the Director, the applicant shall obtain a statement from the Florida Department of Environmental Regulation or the Environmental Protection Commission of Hillsborough County identifying any wetlands boundary lines affecting the property in question. Such designation shall be considered valid for a period of not more than two years from the date issued.

(d) No disturbance of land within any wetland area shall be permitted in connection with any activity under a building permit issued under this Section. Where this restriction results in a practical hardship, depriving the property owner of the reasonable use of his land, a variance may be obtained from the Board of Adjustment pursuant to Section 25.310 of this Chapter and provided that any variation from the standards herein constitutes the minimum variation necessary to prevent confiscation of the property.

Section 25.720.10 CONSERVATION EASEMENTS.

(a) Conservation easements shall be established on all environmentally sensitive lands located within jurisdictional wetlands or where practicable within one hundred fifty (150) feet of the Hillsborough River, whichever is greater, and shall be dedicated to the City when development or redevelopment occurs.

(b) Conservation easements shall be created pursuant to Section 704.06, Florida Statutes, and shall be made for the appropriate purposes, which may include, but are not necessarily limited to the following:

- (1) to prevent or limit the construction or placing of buildings, roads, signs, billboards, advertising or other structures on or above the subject property;
- (2) to prohibit the dumping or placing of soil or other substances or materials, trash, waste, or unsightly or otherwise offensive materials on or under the subject property;

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- (3) to prohibit the removal, damaging or destruction of trees, shrubs or other vegetation on the subject property, except as is specifically provided for the removal of exotic nuisance vegetation;
- (4) to prohibit the excavation, dredging or removal of loam, peat, gravel, soil, rock and other materials and substances from the subject property;
- (5) to prohibit any uses on the property except those approved by the City Council as not adversely affecting, jeopardizing, impairing, or otherwise undermining the aesthetic, scientific, educational, and/or ecological value of the property and that will permit land and water areas to remain predominantly in their natural condition;
- (6) to prohibit any activities detrimental to drainage, flood control, water conservation, erosion and sedimentation control, or the preservation of fish and wildlife habitat;
- (7) to establish wildlife preserve areas on the property; and
- (8) to prohibit any other acts or uses detrimental to the subject property.

(c) The rights and limitations established by the easement shall be specified in the agreement, which must be approved by the City Council at the same time as final approval of the site plan or plat for the development, or may be approved at a later date pursuant to a development agreement under Chapter 163, Florida Statutes.

Section 25.720.11 ENVIRONMENTAL IMPACT REPORTS.

(a) In cases where a development under review will produce impacts of unusual or unique character or extent, or where the resources affected are of unusual or unique character and importance, the Director may recommend and/or the City Council may require the preparation of an environmental impact report by the applicant for the development approval. The City Council may offer to undertake some or all of the preparation of the environmental impact report.

(b) Where the City Council has required preparation and submission of a report, the following procedures shall be followed:

- (1) The Director shall notify the applicant and the landowner of record that no further action will be taken until an environmental impact report has been prepared and submitted.
- (2) The applicant shall prepare and submit his report as directed by the City Council within six months of the notification by the Director. Failure to submit the report or to request an extension of time shall be deemed to be withdrawal of the application.
- (3) When the report is received by the Director, it shall be processed in the same manner as for site plan or plat approvals as provided in Section 25.720.6 above.

(c) The environmental impact report shall include the following information:

- (1) a description of the environmental significance of site based on criteria and policies contained in the adopted Comprehensive Plan, this Section, and other relevant local, state or federal environmental management regulations;
- (2) a description of the impacts of the proposed project on the quality and functional viability of environmentally sensitive lands;

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- (3) identification of conservation measures to minimize or alleviate adverse environmental impacts of the proposed development, including measures to preserve and ensure the long-term viability of environmentally sensitive lands;
- (4) where conservation measures are not practicable, identification of mitigation measures; and
- (5) identification of the need for public acquisition of environmentally sensitive lands.

(d) Prior to taking any action on approval of a site plan or plat for land subject to an environmental impact report, the City Council shall hold a public hearing, following public notice as required by Chapter 166.041(3)(c), Florida Statutes. The City Council shall consider the environmental impact report and the recommendations of the Director and other governmental agencies, and may require as a further condition of approval the acceptance by the applicant of a management plan based on the conservation, mitigation, and acquisition findings of the report and the recommendations of others. It is the intent of this Section that such management plans shall be embodied in multi-party agreements designed to make the City, the property owner and relevant local, state and federal agencies jointly responsible for the protection, preservation and enhancement of important environmental resources.

(e) If the City Council determines that acquisition of all or part of the land, or some interest in the land, is necessary to avoid adverse environmental impact, it may defer action on all applications for approval of development on the land for a period not to exceed twelve months from the date of the public hearing on the environmental impact report. This deferral shall be for the purpose of arranging for the acquisition of the land or some interest therein. If no such arrangement has been made at the expiration of the twelve-month period, the applicant shall be entitled to all permits subject to meeting all applicable requirements. For the purposes of this Section, arrangements for the acquisitions of the land or some interest therein shall include entering into a valid contract for the acquisition and/or the initiation of condemnation procedures. The twelve-month period may be extended by mutual agreement of the City and the property owner. (*Ord. No. 733, 5-1-90*)

Section 25.725 STORM WATER MANAGEMENT.

Section 25.725.1 PURPOSE.

The City Council has determined that the management of storm water runoff and the preservation of the water resources of the City are critical to the public health, safety and welfare. Uncontrolled storm water runoff causes erosion, sedimentation and flooding and prevents recharge of the aquifer upon which the public depends for potable, fresh water. The City Council finds it necessary to impose reasonable restrictions to control storm water runoff and conserve the water resources of the City.

Section 25.725.2 OBJECTIVES.

The requirements hereafter will allow landowners reasonable use of their property while promoting the following objectives:

- (a) Protect the quantity and quality of ground and surface waters;
- (b) Prevent the lowering of existing water table elevations to the detriment of these other stated objectives;
- (c) Perpetuate recharge into the ground water system;
- (d) Minimize the production of nuisance and disease vectoring mosquitoes;

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- (e) Discourage reliance on drainage systems which depend on the use of electrical energy or petroleum fuels to move water, remove pollutants or maintain the systems;
- (f) Reduce wind or water caused erosion loss of valuable top soils and subsequent sedimentation of surface water bodies and damage to adjacent properties;
- (g) Alleviate downstream flood hazards;
- (h) Prevent significant loss of life and property due to runoff from any foreseeable rainfall event;
- (i) Reduce the capital expenditures associated with floodproofing and the installation and maintenance of storm drainage systems;
- (j) Minimize the adverse impact of development on the water resources of the City; and
- (k) Maximize protection of Class I waters.

Section 25.725.3 INTENT.

This Section is intended to allow landowners reasonable use of their property, provided storm water runoff peak rates and volumes and the quality of storm water retained after development shall approximate existing pre-development conditions, and precautions will be taken to prevent erosion, sedimentation and flooding.

Section 25.725.4 PROHIBITIONS.

No person may develop or make any change in the use of land or construct a structure or change the size of a structure, except as exempted in Section 25.725.5 hereinafter, without first meeting the requirements of this Section as provided herein. For the purposes of this Section, the following development may potentially alter or disrupt the existing storm water runoff patterns and, as such, will, unless exempt pursuant to Section 25.725.5 hereof, require a permit prior to the commencement of construction:

- (a) Clearing and/or draining of land as an adjunct to construction;
- (b) Clearing and/or draining of non-agricultural land for agricultural purposes;
- (c) Converting agricultural lands to non-agricultural uses;
- (d) Subdividing land;
- (e) Replatting recorded subdivisions and the development of recorded and unrecorded subdivisions;
- (f) Changing the use of land and/or the construction of a structure, or a change in the size of one or more structures;
- (g) Altering the shoreline or bank of any surface water body; and
- (h) The permanent (long period) lowering of the water table.

Section 25.725.5 EXEMPTIONS.

- (a) The following activities shall be exempt from this Section:
 - (1) Single family and duplex residences and accessory structures;

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- (2) Bona fide agricultural pursuits except where an artificial drainage system will be used to increase the flow of surface water from the applicant's land.
- (3) Maintenance work performed on existing drainage ditches for the purpose of public health and welfare;
- (4) Maintenance work on utility or transportation systems, provided such maintenance work does not alter the purpose and intent of the drainage system as constructed; and
- (5) Any maintenance, alterations, renewal, use or improvement to an existing structure not changing or affecting rate or volume of storm water runoff.

(b) Developments which are subject to subdivision and/or site plan approval pursuant to Section 25.630 of this Chapter, shall not be required to submit a separate permit application for review pursuant to this Section. Compliance herewith shall be included as a part of the review process, pursuant to said Section 25.630.

(c) Notwithstanding any other provisions of this Section, there shall be no harmful erosion by water of any soil or fill onto any adjacent public or private property.

Section 25.725.6 PERFORMANCE STANDARDS.

The performance standards to be followed in the design of the project include:

(a) Storm water runoff shall be subjected to best management practice prior to discharge into natural or artificial drainage systems. Best management practice shall mean a practice or combination of practices determined by the development review committee to be the most effective, practical means of preventing or reducing the amount of pollution generated by the project to a level compatible with Florida water quality standards found in Chapter 17-3, Florida Administrative Code.

- (b) (1) No site alteration shall cause siltation of wetlands, pollution of downstream wetlands or reduce the natural retention or filtering capabilities of wetlands.
- (2) No site alteration shall allow water to become a health hazard or contribute to the breeding of mosquitoes.
- (3) All site alteration activities shall provide for such water retention and settling structures and flow attenuation devices as may be necessary to ensure that the foregoing standards and requirements are met.

(c) Design of water retention or detention structures and flow attenuation devices shall be subject to the approval of the City Engineer pursuant to the standards hereof. Detention structures shall be designed to release runoff to the downstream drainage system over a period of time so as not to exceed the capacity of the existing downstream system. In order to maintain good water quality in storm water management detention ponds and maximize the provision of fish and wildlife habitat, storm water management systems with permanently wet detention ponds should be designed, operated and maintained so as to resemble a natural pond to the greatest extent practicable. A natural pond design should include: a littoral zone comprised of native emergent and submersed aquatic macrophytic vegetation; a deep open water limnetic zone free of rooted emergent and submersed vegetation; and where feasible, an upland buffer of native trees, shrubs and under story vegetation.

(d) A positive drainage system shall be provided which will not adversely impact downstream owners or adjacent lands.

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(e) Where possible, natural vegetation shall be used as component of the drainage system. The water table should not be manipulated so as to endanger natural vegetation beneficial to water quality unless natural vegetation can be replanted and survive with a lowered water table condition.

(f) Runoff from higher adjacent lands shall be considered and provisions for conveyance of such runoff shall be included in the drainage plan.

(g) Runoff shall be treated to remove oil and floatable solids before discharge from the site in a manner approved by the City Engineer.

(h) Erosion by wind or water shall be prevented by the developer throughout the construction process.

(i) Direct discharge to Class I waters is prohibited. A workable filter system must be provided prior to any discharge to Class I waters.

(j) For the purpose of this Section, it is presumed that the lowering of the water table for the purpose of constructing detention/retention basins and for the purpose of permanently protecting road construction does not conflict with the stated objectives of this Section if all of the following are met:

- (1) The development site is not in an area known to the City based on data collected and interpreted by the U.S. Geological Survey, Southwest Florida Water Management District, Department of Environmental Regulations and the City of Temple Terrace, and other professional investigators, as important to recharge or to prevention of discharge of the Florida aquifer.
- (2) The proposed lowering of the water table shall be over no more than fifteen (15) percent of the site to a depth of five (5) feet below the surface of the existing undisturbed ground, or an equivalent volume, said area to be measured at the overflow elevation of the retention areas(s).
- (3) If ditches, underdrains or similar devices are used to lower the water table, the lateral volumetric effect will be calculated, and the volume will be deducted from that allowed for retention areas.
- (4) The high water table may be lowered up to two (2) feet below the undisturbed ground in the vicinity of roads for the purpose of protecting the sub-base and base of the roadway and/or for the purpose of preventing mosquito breeding in the roadside swales.
- (5) The lowering of the water table has no adverse effect on wetlands as defined herein.
- (6) The lowering of the water table does not increase flows to the detriment of neighboring lands.

Section 25.725.7 APPROVALS.

All proposed drainage systems are subject to review and approval by other regulatory agencies, including the Florida Department of Environmental Regulations (FDER), the Southwest Florida Water Management District (SWFWMD) and the Florida Department of Transportation (FDOT). Obtaining these approvals shall be the responsibility of the design engineer. (*Ord. No. 723, 4-17-90*)

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Section 25.730 WELLFIELD PROTECTION.

Section 25.730.1 PURPOSE.

The purpose of this Section is to protect wellfields through the establishment of land use and development regulations and standards consistent with the need to provide for appropriate balance and growth in the maintenance and development of the community.

It is intended that this Section be considered to present minimum standards and be interpreted strictly to ensure protection of the public health, safety, and welfare of the inhabitants of the City of Temple Terrace. It is further intended, however, that this Section shall not be applied so strictly as to deny the reasonable and beneficial use of land by property owners within the community.

Section 25.730.2 DEFINITIONS.

Hazardous substance – Any hazardous or toxic substance (including degradation and interaction products) which, because of quality, concentration, or physical, chemical (including ignitability, corrosivity, reactivity, and toxicity), and/or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability) in nature, or any other characteristic relevant to a particular material that may cause significant harm to human health or the environment (including surface and ground water, plants, or animals).

Regulated hazardous substance or regulated substance – Any hazardous substance found in quantities greater than the following:

- (1) The aggregate sum of all quantities of any one hazardous substance on a single parcel (if stored out of doors) or in a single building (if stored indoors) exceeds one hundred and ten (110) gallons if the substance is a liquid, or one thousand one hundred (1,100) pounds if the substance is a solid;
OR
- (2) When no single substance exceeds the above referenced limits but the aggregate of all hazardous substances present on a single parcel or in a single building exceeds one hundred and ten (110) gallons if the substance is a liquid, or one thousand one hundred (1,100) pounds if the substance is a solid.

Sinkhole – An area of subsidence caused by subsurface geological conditions and which results in increased opportunity for migration of surface water and ground water from the surficial aquifer to lower aquifers, and as shown on a map entitled “Wellfield Protection Zone Map” adopted pursuant to Section 25.730.4.

Wellfield – An area containing one or more wells used, whether on a continuous, intermittent, or occasional basis, for public water supply, and including any area designated for future development of such wells by the City Council.

Wellfield protection zone – An area surrounding a wellfield, based on measurement of a prescribed distance from the individual well locations within the wellfield, and as shown on a map entitled “Wellfield Protection Zone Map” adopted pursuant to Section 25.730.4.

Section 25.730.3 APPLICABILITY AND EXCEPTIONS.

(a) Effective upon the date set forth herein, no person shall construct, abandon, or plug any well or undertake any development or operate a use or activity regulated by this ordinance within a wellfield protection zone in the City except as provided herein.

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(b) This Section shall not be construed to prohibit any activity by the City or other unit of government, undertaken by that unit or on its behalf and under its direction, which activity is undertaken to address an immediate threat to the public health and safety or to protect and maintain operation of public services and facilities in the face of an immediate threat to the continued operation of such facilities. Where the responsible administrative official of the relevant unit of government determines that emergency action is necessary and such emergency action is taken, that official shall, subsequent to taking such action, apply for an operating permit pursuant to the provisions of Section 25.730.8, and shall undertake such further action or mitigation as may be directed.

(c) Where a public agency proposes to undertake uses or activities which would otherwise be prohibited by this Section and where no emergency action is involved, but where the general health, safety and welfare of the public will be benefited by the action taken, and where no reasonable alternative is available, the City Council may grant a limited waiver of the provisions of this Section, subject to the issuance of an operating permit as provided in Section 27.730.8.

(d) Where a property owner can show that the intent and purpose of this Section can be accomplished and the standards of this Section can be accomplished through the application of technology, but which would otherwise be in conflict with the specific regulations of this Section, the Director may permit use of such alternative technology in lieu of the restrictions herein, subject to the issuance of an operating permit as provided in Section 25.730.8.

Section 25.730.4 WELLFIELD PROTECTION ZONE MAP.

(a) The Wellfield Protection Zone Map is hereby adopted and made a part of this Section. The purpose of the map shall be to depict all areas affected by the provisions of Section 25.730.5. It is the intent of this Section that the initial Wellfield Protection Zone Map shall identify the following areas for application of this Section:

- (1) All land located within one thousand (1,000) feet of the active wells located within the Whiteway wellfield; and
- (2) All lands located within one thousand (1,000) feet of the active wells located within the Old City Hall wellfield; and
- (3) All land located within one thousand (1,000) feet of an active sinkhole.

Where there appears to be a discrepancy between these criteria and the actual areas designated on the Wellfield Protection Zone Map, the areas designated on the map shall prevail.

(b) The official map shall be maintained by the Director of Community Services, and the Director may make copies of all or portions of the map available for distribution to the public. For convenience of use, the map may be made a part of the Zoning Map of the City of Temple Terrace, Florida. (*Ord. No. 1161, 2-21-06*)

(c) The Director shall be responsible for the interpretation of the boundaries shown on the Wellfield Protection Zone Map. In interpreting these boundaries, the following rules shall apply:

- (1) Properties located wholly within the wellfield protection zone shall be governed by the restrictions set out in Section 25.730.5.
- (2) Where a portion of a property is located within the wellfield protection zone, the restrictions of Section 25.730.5 shall be applied only to that portion of the property.
- (3) Where the boundary of the wellfield protection zone passes through a building or a portion of the property used as a single or unified use area, the entire building or use area shall be subject to the restrictions.

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(d) The Director shall review the boundaries shown on the Wellfield Protection Zone Map at least annually and shall report the need for changes in the map to the City Council. In doing this, the Director shall consult with the Hillsborough County Health Department, the Hillsborough County Environmental Protection Commission, the Florida Department of Environmental Regulation, the Southwest Florida Water Management District, and such other agencies as he deems appropriate. In considering the need for changes to the map, consideration shall be given to: the addition of new wells or wellfields, the abandonment of wells or wellfields, changes in pumping volumes at individual wells, changes in the technical knowledge concerning aquifers and groundwater flow characteristics, and the identification of future wellfield sites by the City Council.

(e) The Wellfield Protection Zone Map may be amended from time to time by the City Council. The process for amending the map shall be as is set forth in Chapter 166.041(3)(c), Florida Statutes. Prior to making any change in the map, the Director shall refer copies of the proposed change to the Hillsborough County Health Department, the Hillsborough County Environmental Protection Commission, the Florida Department of Environmental Regulation, and the Southwest Florida Water Management District. The Director shall request that any comments or recommendations, or an indication that there will be no comments or recommendations, be returned within twenty (20) working days. Failure of an agency to respond within the twenty-day period shall be construed as an indication that there are no comments. The Director shall provide all comments and recommendations to the Development Review Committee (DRC), who shall make any comments or recommendations of its own. The Director shall then make a report to the City Council and shall include all comments and recommendations, as well as his own recommendations. In taking action on a change in the Wellfield Protection Zone Map, the City Council shall consider the report of the Director and the comments and recommendations of the various agencies.

Section 25.730.5 REGULATIONS WITHIN WELLFIELD PROTECTION ZONES.

(a) The following uses and activities shall be prohibited within wellfield protection zones:

- (1) The use, handling, production, or storage of regulated hazardous substances, where such activity is not more specifically included under an exempt activity (See Subsection (c) of this Section) or under a permitted but regulated activity (See Subsection (b) of this Section).
- (2) Wastewater effluent disposal, except for land application reuse of treated wastewater, as defined and as subject to the conditions set forth in 17-610, Part III, Florida Administrative Code.
- (3) Waste disposal, including both liquid and solid wastes.
- (4) Earth mining as a principal activity (i.e., not including grading of land for development or construction purposes).

(b) The following uses and activities shall be permitted within wellfield protection zones, subject to the approval of an operating permit as provided in Section 25.730.8:

- (1) Storage of regulated hazardous substances in their original, unopened containers for the purpose of storage and/or wholesale distribution, where the use and disposal of the substance does not take place within a wellfield protection zone.
- (2) Storage and handling of a regulated hazardous substance in connection with the operation of an automobile service station or similar facility, provided that all bulk storage of motor fuel and lubricants shall be in double walled tanks, or tanks installed with other secondary containment and where adequate provisions are made for monitoring both inside and outside the secondary containment zones to detect any contamination. Monitoring shall mean installation of monitoring wells and collection and testing of samples pursuant to requirements of the Florida Department of Environment Regulation.

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(c) The following uses and activities shall be exempt from the restrictions in Sections 25.730.5(a) and (b) above:

- (1) Storage of regulated hazardous substances in their original, unopened containers for the purpose of retail sale, where the use and disposal of the substance is not intended to take place within a wellfield protection zone.
- (2) Transportation of regulated hazardous substances through a wellfield protection zone between origin and destination points outside the zone, subject to all applicable laws and regulations governing the transportation of such substances. This includes transportation by motor vehicle, barge, or pipeline.
- (3) The use of regulated hazardous substances in motor vehicles or motorized equipment as a motor fuel or lubricant, provided that the operation of a facility to fuel or lubricate a motor vehicle shall not be exempted.
- (4) Storage and/or use of small quantities of regulated hazardous substances as cleaning agents, lawn or garden fertilizers or pesticides, or for other purposes where such use is a normal activity in connection with a household or business use, and where such activity is conducted in accordance with applicable regulations and manufacturers guidelines.
- (5) Approved wastewater reuse systems, such as for irrigation.

Section 25.730.6 NONCONFORMING USES AND ACTIVITIES.

(a) Where a prohibited use or activity identified in 25.730.5(a) exists within a wellfield protection zone on the effective date of this Section, such use or activity shall be discontinued not later than April 1, 1993, and the abandoned site made to comply with the provisions of this Section (c). As an alternative, the owner and operator of the use or activity may apply for and obtain an operating permit pursuant to Section 25.730.8, provided that such operating permit is issued not later than July 1, 1990. Where a prohibited use or activity is abandoned or ceases to operate for more than ninety (90) days, such use shall not be resumed and the abandoned site shall be made to comply with the provisions of (c) of this Section. No prohibited use or activity shall be expanded or enlarged.

(b) Where a regulated use, or activity identified in Section 25.730.5(b) exists within a wellfield protection zone on the effective date of this Section, such use or activity shall be discontinued not later than April 1, 1995, and the abandoned site made to comply with the provisions of Section 25.730.7(c). As an alternative, the owner and operator of the use or activity may apply for and obtain an operating permit pursuant to Section 25.730.8, provided that such operating permit is issued not later than October 1, 1990.

(c) Where any use or activity identified in Section 25.730.5(a) or (b), whether or not such use or activity was in existence prior to the effective date of this Section, is discontinued or abandoned, the owner and operator shall be responsible for obtaining an operating permit to address the abandonment and closure of the use or activity. An operating permit issued to regulate the closure of an activity or a site shall include conditions necessary, at a minimum, to assure the following:

- (1) Monitoring of the site to determine that there is no pollution generated by the site after closure, and that the monitoring program is designed and operated under the direction of a Professional Engineer who shall periodically certify the results of tests to the Director;
- (2) Provisions for cleanup of pollution and pollution sources if the site produces pollution after the closure;
- (3) Completion of final site grading, final drainage, and establishment of permanent cover vegetation for those areas where new construction is not contemplated;

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- (4) Posting of adequate notices and recording of appropriate documentation in the land records to identify previous uses and location of possible buried hazardous materials; and
- (5) Availability of funds to adequately support required post-closure activities.

Section 25.730.7 WELLS.

(a) All irrigation wells constructed after the effective date of this Section shall be properly constructed to ensure a tight seal at the point where the well passes from the surficial aquifer into the deep aquifer from which the City's potable water supply is drawn, and shall be grouted to ensure that surface contaminants do not travel down along the outside of the well casing. Construction specifications and inspection standards shall be as established by the City with technical assistance from the Southwest Florida Water Management District, the Hillsborough County Health Department, and/or other agencies with oversight responsibility for well constructing methods.

(b) The City shall conduct a survey to identify all wells located within the wellfield protection zone and to classify each such well as abandoned, in use but deteriorated or improperly constructed, or in use and not presenting a problem.

(c) When wells which have been improperly constructed and/or which have deteriorated in such a way as to allow expedited travel of contaminants into the deeper aquifer are identified, the owner of the property on which said well is located shall be notified by certified mail and instructed to abandon and plug the well. Failure to plug the well within sixty (60) days shall be a violation of this Section. Prior to plugging such well, any required permits shall be obtained.

(d) Any well located within a wellfield protection zone and which is abandoned for a period of two years shall be plugged. When such a well has been identified, the property owner shall be notified by certified mail and instructed to abandon and plug the well. Failure to plug the well within sixty (60) days shall be a violation of this Section. Prior to plugging such well, any required permits shall be obtained.

(e) All well plugging activities shall be coordinated with the Southwest Florida Water Management District and the Hillsborough County Health Department, and shall be undertaken under their direction or under the direction of a Professional Engineer or Professional Geologist.

Section 25.730.8 OPERATING PERMITS.

(a) Where this Section requires the issuance of an operating permit to undertake or to continue a regulated activity or to abandon and close a regulated activity, the following procedures shall apply:

- (1) An application, together with plans, maps, and other documents necessary to support the amendment shall be made to the Director. The number of copies of plans and other supporting documents and the required content of submitted materials shall be as prescribed by the Director.
- (2) The Director shall review the application for completeness and shall advise the applicant in writing within ten (10) working days as to whether or not the application is complete and ready for processing. Determination that the application is complete shall not prevent the Director from requesting additional information, nor shall it prevent the applicant from voluntarily submitting additional information at a later stage.

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- (3) The Director shall refer copies of the application and supporting documentation to the Hillsborough County Health Department, the Hillsborough County Environmental Protection Commission, the Florida Department of Environmental Regulation, the Southwest Florida Water Management District and such other agencies as may from time to time request to be provided with copies of applications for operating permits. The Director shall request comments and recommendations, or an indication that there will be no comments, within twenty (20) working days. Failure to respond within the twenty-day period shall be construed as being an indication of no comment.
 - (4) The Director may make a formal site inspection to gather information relevant to the consideration of the issuance of a permit and/or appropriate permit conditions. If the Director makes such a formal inspection, the applicant and all agencies which have received copies of the application for reference shall be advised at least five (5) working days prior to the time and meeting place. These provisions regarding a formal inspection are not intended to prohibit the Director from making other inspections, either formal or informal, for data collection or enforcement purposes.
 - (5) The Development Review Committee shall review the application and supporting materials along with the results of field investigations and comments and recommendations received from other agencies and shall make its recommendations regarding the issuance or denial of the application and appropriate conditions which may be attached to the issuance of an operating permit.
 - (6) It is the intent of this Section that, where the use or activity under consideration for an operating permit is concurrently subject to consideration for a final site plan or final plat approval, consideration of the application for an operating permit shall be given concurrently with the consideration of the final site plan or final plat by the City Council. In these cases, the City Council shall, following review of the report by the Development Review Committee and the recommendation of the Director, issue or deny the application, and may attach such conditions as are appropriate to fulfill the purposes of this Section and to ensure compliance with the standards set forth in Section 25.730.8. In cases where no application for final site plan or final plat approval is pending before the City Council, the Director shall review the report of the Development Review Committee and shall issue or deny the application, and may attach such conditions as are appropriate to fulfill the purposes of this Chapter and to ensure compliance with the standards set forth in Section 25.730.8(b).
 - (7) Whenever a decision on any application is made by the Director, that decision may be appealed to the City Council which shall review the reports and recommendations and take final action.
 - (8) Any operating permit which is approved shall contain a condition giving the date of expiration of the permit, which shall be not later than five years after the date of issuance.
- (b) The following standards, at a minimum, shall apply to uses and activities for which an operating permit is required:
- (1) Interior storage locations shall be completely enclosed and designed to prevent any drainage of accidentally spilled materials through surface drainage or floor drains. A berm or curb shall be incorporated into the design of any storage area sufficient to contain the maximum volume of materials handled within the storage area.

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- (2) Exterior storage areas shall be enclosed and secured and shall be designed to prevent any drainage of accidentally spilled materials through surface drainage. A berm or curb shall be incorporated into the design of the storage area sufficient to contain the maximum volume of materials handled within the storage area.
- (3) Areas where materials are handled or processed shall be designed to prevent any drainage of accidentally spilled materials through surface drainage or floor drains. A berm or curb shall be incorporated into the design of any materials handling area (indoors or out) sufficient to contain spilled materials.
- (4) Exterior surface drainage areas located where spills might overflow shall be designed with sufficient retention capacity to retain the first one inch of rainfall or the maximum amount of materials handled, whichever is greater.

An applicant for an operating permit shall provide a certification by a Professional Engineer that the design for any containment area is adequate to detain any spilled materials and prevent contamination of surface or groundwater.

Section 25.730.9 ADMINISTRATION AND APPEALS.

(a) The principal authority for the administration of this Section shall be delegated to the Director of Community Services. (*Ord. No. 1161, 2-21-06*)

(b) The Director shall have the following duties and responsibilities:

- (1) Review all permit applications for uses and activities within the City to determine if special measures will be required to comply with the provisions of this Section. In reviewing land uses and activities and/or specific materials involved in such activities, the Director shall utilize the assistance of the Waste Management Program operated by the Hillsborough County Environmental Protection Commission;
- (2) Review and process applications for operating permits, including compilation of comments and recommendations made by other agencies or by the DRC, and issue or deny such permit applications;
- (3) Where a decision on the issuance or denial of a permit, or on the nature of permit conditions is appealed, make recommendations to the City Council on the consistency of such applications with the provisions of this Section and on any conditions or modifications which may be required to ensure compliance with this Section;
- (4) Review and inspect uses and land development activities, including uses of activities which are abandoned, to ensure compliance with the conditions of operating permits and/or the provisions of this Section;
- (5) Maintain the Wellfield Protection Zone Map, make interpretations of map boundaries, and process proposed changes to the Map;
- (6) Conduct surveys and other research necessary to identify the location of abandoned wells and cable tooled wells and carry out procedures necessary to ensure compliance with the plugging requirements of this Section; and
- (7) Coordinate with appropriate agencies in meeting the requirements of this Section.

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(c) In performing any of his duties, the Director may request the assistance of the Hillsborough County City-County Planning Commission, the Hillsborough County Health Department, the Hillsborough County Environmental Protection Commission, the Florida Department of Regulation, and the Southwest Florida Water Management District. The Director may also request the assistance of other City agencies. All City agencies shall be responsible for providing assistance as needed.

(d) Any decision of the Director may be appealed to the Board of Adjustment as provided in Article III of this Chapter. Matters subject to appeal include, but are not necessarily limited to: interpretations of the meaning or provisions of this Chapter and interpretations of boundaries shown on the Wellfield Protection Zone Map. Decisions in matters which are subject to the jurisdiction of the City Council may not be appealed to the Board of Adjustment. (*Ord. No. 738, 5-15-90*)

Section 25.735 TREES: REMOVAL AND TRIMMING.

Section 25.735.1 PURPOSE.

The purpose of this Section shall be to regulate and control tree removal and tree trimming activities on all real property, public and private, within the City and to require a certain number of trees on all developed parcels.

Section 25.735.2 DEFINITIONS – (THIS SECTION 25.735 ONLY).

- (a) **“Approved trees”** are those trees listed in Table 1 of this Section.
- (b) **“Canopy coverage”** is the combined total area on a parcel of land covered by tree canopy. The canopy coverage for a parcel of land is calculated by adding together the area of each grand tree’s and each protected tree’s canopy to the drip-line.
- (c) **“Cluster of trees”** is a stand of protected trees, three or more, within a ten (10) foot radius where at least three of the trees have an individual trunk diameter of fifteen (15) inches or greater at D.B.H.
- (d) **“D.B.H.”** is a standard for the measurement of the trunk diameter of a tree at breast height or fifty-four (54) inches.
- (e) **“Drip-line”** is the extent of the tree’s outer branches.
- (f) **“Forested native plant communities”** are those plant communities, including, but not limited to, shrubs and ferns which naturally occur in Temple Terrace.
- (g) **“Grand tree”** is any tree listed in Table 1 of this Section with a diameter of twenty-four (24) inches or greater at D.B.H.
- (h) **“Non-wooded land”** is a parcel of land with less than twenty (20) percent canopy coverage, exclusive of wetlands. If “forested native plant communities” are identified on site, the area encompassing the forested native plant communities may be considered as canopy coverage for the purpose of this definition.
- (i) **“Protected tree”** is any tree listed in Table 1 of this Section having at least a twenty (20) inch diameter at D.B.H. on single-family residential platted land, or at least a five (5) inch diameter D.B.H. on commercial, office, institutional, multi-family, research corporate park lands, or unplatted residential lands. The definition of a Protected Tree shall not include Grand Trees which are defined herein as having a diameter of twenty-four (24) inches or greater at D.B.H.
- (j) **“Semi-wooded land”** is a parcel of land with less than thirty-five (35) percent, but with twenty (20) percent or more canopy coverage, exclusive of wetlands. If “forested native plant communities” are identified on site, the area encompassing the forested native plant communities may be considered as canopy coverage for the purposes of this definition.

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(k) **“Wooded land”** is a parcel of land, with thirty-five (35) percent or more canopy coverage, exclusive of wetlands. If “forested native plant communities” are identified on site, the area encompassing the forested native plant communities may be considered as canopy coverage for the purpose of this definition.

Section 25.735.3 SCOPE.

(a) **Applicability.** Regulation of tree removal shall extend to all real property, public and private, being developed or improved in accordance with the provisions of this Section.

(b) **Intent.** It is not the intent of this Section to preclude the beneficial use of land when the terms of this Section are inconsistent with the regulations or zoning standards of this Chapter.

(c) **Exemptions.** Exemptions to the provisions of this Section are:

- (1) Commercial trees grown for sale are exempt from City regulations under this Section.
- (2) Bona fide commercial agricultural operations are exempt from City regulations under this Section.
- (3) Trees, not including grand trees, irreversibly damaged or destroyed by natural disaster, i.e. fire, wind, lightning, disease, etc., are exempt from City regulations under this Section; however, a permit is required to remove any grand tree, whether damaged or not.
- (4) Tree removal pursuant to an approved Development of Regional Impact (DRI) and its Development Order is exempt from this Section.

Section 25.735.4 REGULATIONS AND STANDARDS: TREE REMOVAL.

(a) The following regulations shall apply to all land within the City and shall be cumulative to any other regulation provided for in Section 25.735.

- (1) **Permit required.** No protected tree shall be removed without first obtaining a permit from the City.
- (2) **Grand tree.** No grand tree or cluster of trees of any species listed in Table 1 of this Section shall be removed without a permit from the City. A permit shall only be issued upon a finding of the following:
 - a. The removal is to the benefit of the public health, safety and welfare, or the existence of the tree presents a clear and present danger. Under these conditions, when removal is authorized, no replacement trees are required.
 - b. The presence of the grand tree or cluster of trees prohibits the property owner from the beneficial use of his property. Under these conditions, when removal is authorized, one replacement shade tree (5-inch D.B.H.) is required (see Table 1 of this Section). (*Ord. No. 856, 12-21-93; Ord. No. 1044, 5-15-01*)

(b) **Removal of trees in conjunction with development.**

In order to remove protected trees on property which is zoned or intended for development of multi-family, commercial, office, institutional or research corporate park uses, a bona fide development plan must be submitted to the City. Removal of protected trees may only be made pursuant to a permit issued by the City and in conformance with the following regulations:

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- (1) Protected trees on wooded land.
 - a. Fifty (50) percent of the protected trees on a site may be removed provided minimum protected tree canopy coverage of twenty-five (25) percent remains.
 1. If removal of fifty (50) percent of the protected trees would result or does result in a protected tree canopy coverage that is below the twenty-five (25) percent standard provided in paragraph (b)(1)a. above, but remains above seventeen (17) percent, the deficit shall be made up by receiving credit for new trees planted, including those trees planted pursuant to the landscaping regulations contained in the City Code. However, the developer shall only receive fifty (50) percent credit for the tree canopy created by the new plantings, assuming the trees are at a ten-year maturity.
 2. When a developer is required to make up lost canopy with one-half (50%) credit for new landscaping at ten-year maturity, he shall not be required to replace more than five (5) percent lost canopy.
 - b. If after removing fifty (50) percent of the protected trees, a parcel still has more than a twenty-five (25) percent protected tree canopy coverage, the developer may remove additional protected trees provided they do not degrade the protected tree canopy coverage below twenty-five (25) percent; however, the additional trees allowed to be removed pursuant to this paragraph shall be replaced in accordance with the Tree Equivalency Table (Table 2 of this Section) and the excess removal requirements outlined in paragraph (b)(1)d. below.
 - c. Protected tree removal resulting in a protected tree canopy coverage of less than seventeen (17) percent is prohibited.
 - d. Excess removal requirements. Where protected trees are removed from wooded land as provided for in paragraph (b)(1)b. above, either of the following excess removal requirements shall be invoked to compensate for each protected tree removed.
 1. **Replacement.** The developer shall be required to replace a protected tree by an equivalent number of approved trees, in accordance with the provisions of Table 2 of this Section, elsewhere on the same parcel undergoing development, or on the public right-of-way contiguous to the parcel, upon approval of the City. Replacement trees on the parcel undergoing development shall be maintained in perpetuity by the developer or his assignee.
 2. **Contribution.** The developer shall donate protected trees to offset the removal of a protected tree pursuant to either of the following:

Donating an equivalent number of protected trees in accordance with the provisions of Table 2 of this Section to the City for planting on public lands, the responsibility for which shall be assumed by the City, or

Donating the dollar value or the equivalent in accordance with the provision of Table 2 of this Section pursuant to the then current wholesale cost of a five (5) inch D.B.H. live oak tree, including the cost of transportation and planting as determined by the City Manager, to the City's Tree and Landscape Beautification Fund.

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- (2) Protected trees on semi-wooded land.
 - a. Fifty (50) percent of the protected trees on a site may be removed provided a minimum protected tree canopy coverage of twenty-five (25) percent remains.
 - b. If removal of fifty (50) percent of the protected trees would result or does result in a protected tree canopy coverage that is below the twenty-five (25) percent standard, the deficit shall be made up by receiving credit for new trees planted, including those trees planted pursuant to the landscaping regulations contained in the City Code. The developer shall receive one hundred (100) percent credit for the tree canopy created by the new plantings, assuming the trees are at a ten-year maturity.
 - c. Protected tree removal resulting in a protected tree canopy coverage of less than ten (10) percent is prohibited.
- (3) Protected trees on non-wooded land.
 - a. Thirty (30) percent of the protected trees on a site may be removed; however, the goal of this Section is to achieve at least a twenty-five (25) percent canopy coverage subsequent to development. The deficit below the twenty-five (25) percent canopy coverage goal shall be made up by receiving credit for new trees planted, including those trees planted pursuant to the landscaping regulations contained in the City Code. The developer shall receive one hundred (100) percent credit for the tree canopy created by the new plantings, assuming the trees are at a ten-year maturity.
 - b. When a developer is required to provide additional canopy pursuant to paragraph (b)(3)a. above, he shall not be required to provide more than ten (10) percent new canopy.
- (4) Subdivision. No more than thirty (30) percent of the protected trees (at least five (5) inches in diameter at D.B.H.) shall be removed for infrastructure improvements in conjunction with the development of a single-family subdivision.
- (5) Phased developments. For phased developments, the regulations contained in this Section 25.735 shall be applicable to the entire development parcel; however, permits will only be issued for the phases under construction.
- (6) Relocation. The relocation of a protected tree elsewhere on the same parcel undergoing development, or on public right-of-way contiguous to parcel, or on other public lands upon approval of the City, shall not be counted as removed under the provisions of this Section. In the event a relocated tree is subsequently removed from the developed parcel for any reason, the replacement or contribution requirement provided for in paragraph (b)(1)d. shall be imposed.
- (7) Tree plot plan requirements. A tree plot plan is required to support every application for a building permit for new construction, and shall include the following:

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1. General location of all protected trees and identification by type and size (D.B.H.).
2. Location of proposed structure(s), “footprints” and other impervious surfaces.
3. Indication of protected trees to be retained and protected trees to be removed, including dead trees.
4. The above items shall be field-checked by the Department and approval or disapproval (with suggestions) shall be expressed in writing on the permit application.
(Ord. No. 1044, 5-15-01)

Section 25.735.5 PENALTIES.

(a) In the event a protected tree or grand tree is removed intentionally despite a prohibition to do so; inadvertently removed or must be removed due to damage and/or carelessness during construction, replacement of the tree(s) will be made pursuant to the following:

- (1) The “additional penalty” formula shall be based on cross-sectional square inches D.B.H. The cross-sectional area of the trunk shall be determined by applying the formula:

$$\frac{C^2}{4 \text{ Pi}} \quad (\text{where } C = \text{circumference and “Pi”} = 3.1417, \text{ or } \frac{22}{7})$$

after measuring circumference 4’6” above grade.

- (2) A minimum of fifty (50) percent of the cross-sectional inches required pursuant to this penalty shall be located on the subject site.
- (3) Additional penalties shall be applied to all tree losses incurred for a period up to six (6) months of the date of completion of construction.
- (4) When the protected tree or grand tree removed is a pine tree, only fifty (50) percent of the total calculated cross-sectional inches must be replaced. *(Ord. No. 856, 12-21-93)*

Section 25.735.6 PROTECTION DURING CONSTRUCTION.

(a) Prior to construction, the developer shall erect an approved protective barrier around all trees to be preserved and it shall be unlawful to place construction materials or temporary solid deposits within six (6) feet of the protective barrier.

(b) Except with specific approval from the Director, no land clearing or construction activity shall occur within a ten (10) foot radius from the trunk of any tree to be retained; or within a ten (10) foot radius from the trunk of any tree within a “cluster” to be retained; and no land clearing or construction activity shall occur within a twenty-five (25) foot radius from the trunk of any grand tree.

(c) No attachments, wires (other than protective guy wires), signs, or permits may be fastened to any retained or relocated tree during land clearing or construction activity.

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Section 25.735.7 FINAL APPROVAL AND PERFORMANCE BOND.

(a) Final approval of any development activity involving tree removal will be subject to the satisfactory relocation, replacement, or contribution of trees as required in this Section.

(b) Prior to commencing any land development activity, developer/builders shall provide the City with an irrevocable letter of credit covering the value of all trees to be relocated, replaced, or contributed prior to commencing the clearing of land or removal of trees. The amount of the letter of credit shall be based on the number and cost of replacement of trees as determined by Table 2 in this Section, at the current wholesale cost of said tree, to be determined by the City Manager.

Section 25.735.8 TREE TRIMMING/NUISANCE TREES.

(a) All tree trimming shall be in accordance with standard pruning practices as set forth in “Pruning Standards for Shade Trees,” National Arborist Association, 1979. Said standards as they are now written, or may be amended, are incorporated herein by reference.

(b) No “grand tree” or any “protected tree” shall have branches trimmed without a permit when said branches to be trimmed measure ten (10) inches in diameter or greater.

(c) Nuisance trees. The elimination and removal of nuisance trees listed in Table 3 of this Section is encouraged.

Section 25.735.9 APPEALS.

Any person adversely affected by a decision of the City Manager in the enforcement or the interpretation of any of the terms or provisions of this Section may appeal such decision to the City Council. Such appeal shall be taken by filing written notice thereof with the City Clerk, and no public hearing shall be required.

Section 25.735.10 BI-ANNUAL REVIEW.

The City Council shall review the provisions of this Section and the requirements specified herein at least once every two years to confirm that the provisions of this Section are adequately meeting the City’s goals of tree preservation without unduly prohibiting the beneficial use of land.

Section 25.735.11 ENFORCEMENT.

(a) Whenever, by the provisions of this Section, the performance of any act is required, or the performance of any act is prohibited, a failure to comply with such provisions of this Section shall constitute a violation of this Section. Each day of any violation shall constitute a separate violation and separate offense for the purposes of any penalty or fine.

(b) Violations of this Section shall be punished pursuant to Florida Statutes and the City Ordinances and regulations establishing the Municipal Code Enforcement Board or the procedures established by the County Court of Hillsborough County to prosecute municipal ordinance violations. In addition, nothing herein shall prohibit the City from instituting any appropriate civil action or proceeding to prevent, restrain, correct, or abate a violation of this Section. (*Ord. No. 758, 10-16-90*)

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TABLE 1

APPROVED TREE LIST

Ash*	Fraxinus Spp.
Bottlebrush	Callistemon Spp.
Camphor*	Cinnamomum Camphora
Chinese Fan Palm	Livistona Chinesis
Crape Myrtle	Lagerstroemia Indica
Cypress*	Taxodium Spp.
Date Palm	Phoenix Spp.
Dogwood*	Cornus Spp.
Elm*	Ulmus Spp.
European Fan Palm	Chamoerops Humilis
Golden Rain Tree*	Koelreuteria Elegans
Holly*	Ilex Spp.
Hornbeam	Carpinus Spp.
Indian Rosewood*	Dalbergia Sissoo
Jerusalem Thorn	Parkinsonia Aculeata
Ligustrum	Ligustrum Spp.
Loblolly Bay*	Gordonia Lasianthus
Magnolia*	Magnolia Spp.
Maple*	Acer Spp.
Needle Palm	Rhapidophyllum Hystrix
Oak*	Quercus Spp.
Pecan*	Carya Spp.
Pine*	Pinus Spp.
Podocarpus	Podocarpus Spp.
Redbud	Cercis Canadensis
Red Cedar	Juniperus Spp.
River Birch	Betula Nigra
Sabal/Cabbage Palm	Sabal Palmetto
Sycamore*	Platanus Spp.
Sweetgum*	Liquidambar Styraciflua
Washington Palm	Washington Robusta
Wax Myrtle	Myrica Cerifera
Willow	Salis Spp.

* = Shade trees for purposes of Section 25.735.4(a)(2)b.
(Ord. No. 1044, 5-15-01)

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TABLE 2

TREE EQUIVALENCY TABLE

<u>D.B.H. OF PROTECTED TREE</u>	<u>EQUIVALENT NUMBER OF REPLACEMENT TREES 5" DIAMETER</u>
5 – 7 inches	1
8-13 inches	3
13-19 inches	4
20-23 inches	5

Grand trees and cluster of trees, except pine, shall be replaced on a two hundred (200) percent actual diameter inch basis (d.b.h.). Pine trees shall be replaced on a fifty (50) percent actual diameter inch basis (d.b.h.). (*Ord. No. 856,12-21-93*)

EXAMPLE:

Grand tree (oak) 24 inches d.b.h. = 48 replacement diameter inches.
Replace with ten 5" diameter trees.

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TABLE 3

NUISANCE TREES

Australian Pine	Casuarina Spp.
Brazilian Pepper	Schun Terebinthifolius
Cherry Laurel	Prunus Caroliniana
Chinaberry	Melia Azedarach
Ear Tree	Enterolobium Contortisiliquum
Eucalyptus	Eucalyptus Spp.
Monkey Puzzle	Auracaria Wrightii
Mulberry	Broussonetia Papyrifera
Punk Tree	Melaleuca Quinquernervia
Queen Palm	Arecastrum Romanzoffianum

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Section 25.740 SUBDIVISION IMPROVEMENTS.

Section 25.740.1 MINIMUM IMPROVEMENTS REQUIRED.

(a) The subdivider shall provide public improvements in his subdivision in accordance with the following:

- (1) Pavement shall be constructed with curb and gutter per Section 25.745.2
- (2) Street markers shall be installed per Section 25.745.8.
- (3) Reference markers shall be placed per Section 25.745.9.
- (4) Sidewalks shall be constructed per Section 25.745.6.
- (5) Streetlights shall be provided per Section 25.745.7.
- (6) Stormwater drainage systems shall be constructed per Section 25.745.11.
- (7) A water distribution system shall be constructed per Section 25.745.12.
- (8) Public transit bus stops and shelters shall be provided per Section 25.745.14. (*Ord. No. 794, 11-19-91*)
- (9) Non-motorized transportation facilities shall be provided per Section 25.745.15. (*Ord. No. 794, 11-19-91*)

(b) Clearing of Land: It shall be the responsibility of the developer or builder to dispose of building waste and material from land clearing. It shall be unlawful to bury any such material in any land within the subdivision. Land clearing by means of air curtain incineration may be allowed by special permit approved by the Fire Chief and City Manager with special conditions as deemed necessary.

(c) Completion of Improvements: All required improvements shall be completed within two (2) years from the date the final plat is recorded unless the City Council shall, by resolution, grant an extension of time. Completion of the required improvements shall be guaranteed financially as set forth in Section 25.740.2.

(d) Building Permit: No permit to build on any lot shall be issued unless the lot is served by existing or proposed water and wastewater systems and approved by the City Engineer. No Certificate of Occupancy shall be issued unless all required improvements have been constructed and accepted, including certification of use by regulatory agencies for the water and wastewater systems.

Section 25.740.2 FINANCIAL GUARANTEE.

(a) General: Unless all required improvements have been satisfactorily completed, an acceptable financial guarantee shall accompany every plat which is to be recorded to ensure the actual satisfactory completion of construction of all required improvements within not more than two (2) years following the date of recording, or one (1) year if sidewalks are the only required improvements to be completed. An acceptable financial guarantee shall be in an amount not less than one hundred-ten (110) percent of the estimated cost of the improvements, as approved by the City Engineer, but may be reduced by the City Engineer from time to time in proportion to the work completed, and may take one of the following forms, subject to the approval of the City Engineer and City Attorney:

- (1) Cash, to be held in escrow by the City; or
- (2) An irrevocable letter of credit written by a bank chartered by the State of Florida, or the United States government, or any other state of the United States if the bank is authorized to do business in the State of Florida, and acceptable to the Finance Director. The letter of credit shall include, among other things, an expiration date not earlier than one year from the date of issuance; a provision requiring the issuer of the letter of credit to give at least thirty (30) days' written notice to the City prior to expiration or renewal of the letter, and a provision that the letter is automatically renewed for a period of time equaling its original term if the required notice is not given; or

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- (3) A surety bond issued by a surety company authorized to do business in the State of Florida. The surety bond shall include, as a minimum, the provisions required above for letters of credit.

(b) Conditions: The financial guarantee posted pursuant to (a) above shall run to the City and shall provide that the subdivider, his heirs, or successors and assigns, and their agents and servants, will comply with all applicable terms, conditions, provisions and requirements of these regulations; will faithfully perform and complete the work of construction and installation of said facilities or improvements in accordance with these regulations, and that the subdivider will save the City from any unnecessary expense incurred through the failure of the subdivider, his heirs, successors or assigns, or their agents or servants, to complete the work of said construction and installation as required by these regulations, and from any damage growing out of negligence in performing or failing to perform said construction and installation.

(c) Duration and Release: Financial guarantees posted pursuant to these regulations shall be released or returned, as the case may be, at such times as the facilities guaranteed thereby have been installed and accepted. Acceptance shall be in writing, accurately identifying the improvements covered. Facilities shall not be accepted unless they conform to the applicable City specifications and requirements.

(d) Default: If the construction or installation of any improvements or facilities for which a financial guarantee is posted or deposited is not completed within three (3) months after substantial completion of any buildings or structures for which said improvements or facilities are designed, or within two (2) years after the date of recording of the final plat, whichever is sooner, or if said construction or installation is not in accordance with the applicable City specifications and requirements, and in the case of a corporate bond or an escrow agreement, the obligor on the bonds or the agreement shall be liable for the expense incurred thereby. The default provisions of this Section shall not apply when the City Council acts to permit the subdivider to remove his subdivision from the land records of Hillsborough County in accordance with applicable platting regulations.

(e) Miscellaneous:

- (1) A combination of financial guarantees shall be held to be in compliance with this Section so long as the total is equal to the total required.
- (2) If, subsequent to posting a financial guarantee under these regulations, it can be established that the amount thereof is more than required because subsequent estimates by the City established that the work can be constructed or installed for a lesser amount than the amount posted, the financial guarantee so posted may be released or repaid proportionately.

(f) Guarantee: The subdivider is responsible for the satisfactory performance of the required improvements in accordance with the provisions of these regulations, for a period of one (1) year and is required to post with the City a surety bond which is available to the City in the amount of ten (10) percent of the financial guarantee which was posted for the completion of all the said required improvements. The said bond shall be valid for a period of one (1) year beginning on the date of final acceptance of the said required improvements by the City. If the subdivider does not correct the deficiency or commence work within ten (10) days after receiving notice from the City of the failure of any or all of the improvements required in accordance with these regulations, it shall be deemed to be a failure on the bond or escrow agreements and the City shall have the right to make the necessary repairs, either by public work or by private contract, and the bond or agreement aforesaid shall be liable for the full amount of the cost of said repairs.

Section 25.740.3 WAIVER OF REQUIREMENTS.

Following a recommendation by the City Engineer, the City Council may waive the requirements of these regulations where compliance would be a practical impossibility or would cause unnecessary hardship and/or where the owner proposed an alternative which conforms to the general intent and spirit of these regulations.

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Section 25.740.4 VIOLATIONS.

(a) After the effective date of this Chapter, it shall be unlawful for the owner or agent of the owner of any land located within a subdivision, to transfer, sell, or agree to sell or negotiate to sell any of said land by reference to or exhibition of, or by other use of a plat or a subdivision before said plat has been approved by the City Council and recorded by the Clerk of the Circuit Court of Hillsborough County, Florida.

(b) After the effective date of this Chapter, it shall be unlawful to convey, obtain a building permit for, or improve property by the construction of buildings on lots of any land subdivision which has not been approved and recorded as provided in this Chapter, except those parcels recorded prior to the effective date of this Chapter.

(c) After the effective date of this Chapter, it shall be unlawful to record a subdivision plat or, once recorded, to make any changes thereon whatsoever, which have not been approved by the City Council in accordance with the provisions of this Chapter.

(d) In addition to all other remedies provided by law, the City Council, or any property owner or occupant, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful reference or exhibition of a subdivision, plat, construction, property conveyance, property improvements, or recording in any court of jurisdiction.

Section 25.740.5 PENALTIES.

Every act or omission designated as a violation in this Section shall be subject to the penalty set forth in the general provisions of the City Code. (*Ord. No. 249, 10-5-71; Ord. No. 724, 4-17-90*)

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Section 25.745 DEVELOPMENT DESIGN STANDARDS.

The purpose of this Section is to establish design standards for orderly development within the City, and to secure adequate traffic, transportation, potable water, wastewater, street lighting, drainage, sidewalks and other public improvements and facilities.

Section 25.745.1 GENERAL.

Development, including but not limited to, subdivisions, multi-family and commercial sites within the City shall conform to the standards and criteria herein. Water and sanitary sewerage systems within the service area in the unincorporated areas of Hillsborough County shall also conform to these criteria. Development shall:

(a) Conform with plan of development: All proposed subdivisions shall conform to the plan of development of the City.

(b) Comply with zoning regulations: All proposed development shall comply fully with the existing zoning regulations applicable to the land. No parcel of land shall be created which cannot be properly utilized for a permitted use under the existing zoning regulations.

(c) Preserve natural features: To the fullest extent possible, development shall be designed so as to conform to and take advantage of the topographic and other natural features of the land, including the preservation of existing trees and watercourses. It may be required to show a conservation area on the plat. A conservation area shall be drawn superimposed over parts of lots or common areas on the plat, and shall be stated "Conservation Area Dedicated to the City of Temple Terrace" on the plat.

(d) Public use requirements: In laying out a proposed subdivision, due consideration shall be given to reservation of land for thoroughfares, collector streets, school sites, parks and recreation areas, and other public open space requirements, as such uses may be shown upon the approved plan of development or otherwise deemed necessary by the City Council and/or the reviewing authorities.

(e) Public/Private Utilities: All public and/or private utilities shall be designed to be placed underground, with an exception being limited to certain service structures, connection boxes, and other similar devices or facilities which for reasons of maintenance or access must be readily accessible. In such cases, such structures or devices shall, to the extent possible, be located in such a manner so as to minimize impact on adjoining lots by placing along lot lines where feasible. (*Ord. No. 1068, 6-18-02*)

(f) Suitability:

- (1) The land proposed for subdivision shall be suitable for development and shall not be subject to flooding, poor drainage, erosion, or other conditions detrimental to the health, safety and general welfare of the public.
- (2) Development in floodway areas shall conform to the requirements of Section 25.715.
- (3) Construction Plans: Construction plans shall be prepared on mylar, shall be 22" x 35" and shall be at a scale of one inch equals fifty feet (1" = 50'), except that details shall be at a larger standard scale.

Record drawings in the form of one (1) set of reproducible tracings and three (3) sets of blue line prints shall be furnished to the City. Acetate reproducible are unacceptable.

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Section 25.745.2 STREETS.

(a) Access to public streets: Every subdivision shall have adequate access to a street dedicated to public use which has been accepted for maintenance by the City of Temple Terrace, Hillsborough County, or the Florida Department of Transportation. Where a proposed subdivision does not immediately adjoin such a street, the subdivider shall provide access from the subdivision to a dedicated street in accordance with the requirements set forth within these regulations or as may otherwise be specified by the City.

 All lots within a proposed subdivision shall abut a street dedicated to public use, or all lots within a proposed subdivision may abut a street privately owned and maintained, provided other improvement facilities are also privately owned and maintained unless otherwise provided for by prior agreement between the City and the subdivider, and other requirements of the subdivision regulations are met. When privately owned and maintained improvement facilities are proposed, the plat shall show improvement facilities rights-of-way as Parcel A and state “improvement facilities rights-of-way shown as Parcel A are not dedicated to public use but are private rights-of-way for the use of lot owners and are to be maintained by the lot owners. Parcel A is dedicated to the lot owners. Each lot owner has an undivided interest in Parcel A.”

(b) Relation to adjoining and/or proposed street system: The arrangement of streets in new subdivisions shall make provision for the continuation of existing principal streets from adjoining areas, or for their proper projection where adjoining land is not subdivided. Where street extensions into adjacent undeveloped land are necessary to ensure a coordinated street system, provision for such future street or streets shall be made. Where a subdivision abuts or contains an existing or proposed arterial street, it may be required that one or more of the following be provided: marginal access street, screen planting, deeper lots or other such treatment necessary for adequate protection of residential properties and to afford separation of local and through traffic.

(c) Interior streets: The interior streets shall be so arranged that their use by through traffic movements will be discouraged. In order to discourage through traffic movements and high traffic speeds, as well as to increase the desirability and stability of the subdivision by preventing monotonous development, straight portions of street and undue length shall be avoided whenever possible by the use of curvatures.

(d) Half streets: Whenever a street is planned adjacent to the proposed subdivision boundary, the entire street right-of-way shall be platted within the subdivision unless a half street will provide continuity of the existing street system. Where a half street would provide continuity of the existing street system and there is adequate existing half street right-of-way abutting the proposed subdivision, the subdivider shall provide half street right-of-way in the proposed subdivision and construct the entire street. Where a half street would provide continuity of the existing street system and there is inadequate existing half street right-of-way abutting the proposed subdivision, the subdivider shall provide sufficient additional right-of-way in the proposed subdivision and construct the entire street.

(e) Reserve strips: Reserve strips controlling access to streets or utility easements shall be prohibited.

(f) Street dimensions: The minimum street right-of-way and pavement widths are set forth in the following table. Rights-of-way shall be measured from lot line to lot line. Pavement widths shall be measured from edge of pavement to edge of pavement.

Street Classification	Minimum R/W (Feet)	Minimum Pavement Width (Feet)
Residential	50	22
Collector	60	33

 The widths of major arterials and minor arterials shall be in keeping with the Temple Terrace Plan of Development.

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(g) Dead-end streets: Dead-end streets, cul-de-sacs or courts with one end permanently closed shall not exceed six hundred (600) feet in length. All cul-de-sacs shall terminate with a circular right-of-way having a minimum diameter of one hundred (100) feet and a paved turn-around with minimum outside diameter of eighty (80) feet. Where a street is to be temporarily dead-ended at a property line and is to be continued when adjacent property is subdivided, “T” –type turn-around shall be provided.

(h) Right-of-way and pavement radii: Rights-of-way at intersections shall be rounded with a twenty-five (25) foot radius. The minimum curb radius at intersections shall be twenty-five (25) feet.

(i) Intersections: Streets shall be so arranged as to intersect as nearly as possible at right angles and in no case shall two streets intersect at an angle of less than sixty (60) degrees. Curved streets shall have a minimum tangent of one hundred (100) feet at intersections unless otherwise approved by the City Engineer.

(j) Street jogs: Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted.

(k) Grades: All streets shall have a minimum gradient of 0.30 percent.

(l) Horizontal curves shall be as follows:

Street Classification	Minimum Radii of Centerline Curvature (in feet)
Streets less than 600 feet	100
Residential	200
Collector	300

(m) Reverse curves: Tangents between curves on all streets shall be at least one hundred (100) feet in length unless otherwise approved by the City Engineer.

(n) Street names: New streets which are extensions of existing streets shall take the same name as the existing streets. All others shall be named in the following manner:

Direction	Long	Short*
North and south	Streets	Places
East and west	Avenues	Courts
Diagonal	Roads	Ways
Curving	Drives	Lanes or circles

***Less than 1,000 feet.**

In no case shall a name for a proposed street duplicate an existing street name, irrespective of whether the street is further described as an avenue, boulevard, way, place or court.

(o) The building numbering system, as shown on the map titled “Address Numbering Map,” and filed with the Department of Community Services, is incorporated by reference herein. Each plat and each amendment to any plat shall be filed with the Department, and upon filing thereof, the building numbering system and the Address Numbering Map shall be deemed to have been amended in accordance therewith. (*Ord. No. 1161, 2-21-06*)

(1) Administration and assignment of street names and numbers:

- a. The Department of Community Services shall be responsible for coordinating and maintaining the building numbering system and shall assign building numbers in conformity with the building numbering system. The Department of Community Services, with the advice and consent of the property owner, shall have the authority to name and number any private way, as necessary. (*Ord. No. 1161, 2-21-06*)

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- b. Assignment by the Department of Community Services of a number to a projected future building shall be a condition precedent to the issuance of a building permit for any such building. *(Ord. No. 1161, 2-21-06)*
 - c. The Department of Community Services shall record and maintain records of the building numbering system, together with all amendments thereto and all street names and numbers assigned. The Department of Community Services shall monitor all projected street name and numbering schemes to ensure that misleading, confusing and duplicate street names and numbers are prevented. *(Ord. No. 1161, 2-21-06)*
- (2) Posting of street numbers. Whether or not mail is delivered to such building, each building shall have its assigned building number properly displayed in accordance with this Section. It shall be the duty of the owners, occupants and property manager of each building to post the assigned building street number on the building as follows:
- a. The building address number shall be affixed to the building front or to a separate structure, such as a mailbox, post, wall, fence or other area. The building address number shall be unobstructed and shall be clearly visible and legible from the public or private way adjacent to the building front. It shall clearly identify the building to which it is assigned; and
 - b. The numerals shall be of a color contrasting with the immediate background of the building or structure on which such numerals are affixed; and
 - c. Numerals shall be made of a durable, weather-resistant material, permanently affixed to their support and shall be plain block, not script, format; and
 - d. Final approval for a certificate of occupancy of any building constructed after the original effective date of this Section shall be withheld until the building address numbers have been constructed and affixed in accordance with this Section.
 - e. Apartments, condominiums and commercial complexes: Individual buildings of a condominium, apartment, or commercial complex shall be posted with the designated letter, subnumber or street number, consistent with this Section. The designated letter, subnumber or street number shall also be affixed to the rear access or delivery door of each unit in a commercial complex. A master directory map/board shall be lighted and maintained at the main entrance(s) to the complex and shall clearly indicate the location of all buildings and individual units.
- (3) Whenever a parcel of land, a subdivision, or any part thereof, becomes annexed into the City, it shall be the responsibility of the Department of Community Services to review the address numbers of such property and to obtain conformance with the building numbering system in the posting and numbering for such annexed area. Upon determination that the street names and numbers conform to said system, the Temple Terrace building numbering system shall be amended to include said annexed land. The owner, occupant and property manager for a building annexed into the City shall be responsible for compliance with this Section. *(Ord. No. 1161, 2-21-06)*
- (p) Improvements within rights-of-way: No walls, gates, signs or other obstructions shall be constructed or placed within the public right-of-way. Subject to the approval of the City, certain trees may be allowed to remain within the right-of-way.
- (q) Streets shall meet the following minimum standards:

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- (1) All streets shall have a standard curb and gutter or Miami curb when authorized by the City Engineer.
- (2) All pavements shall be either Portland cement concrete or asphaltic concrete on properly prepared base and subgrade in accordance with DOT requirements.
- (3) Base course for asphaltic concrete pavement shall be limerock, shell or soil cement unless other materials are authorized by the City Engineer.
- (4) Asphaltic concrete surface shall be Type I or Type II, DOT specifications, and shall have a minimum thickness of 1”.
- (5) Concrete curb and concrete valley gutter shall meet DOT requirements, including wheelchair ramps at all intersections. (*Ord. No. 794, 11-19-91*)
- (6) A minimum strip of sod 5’ in width shall be placed behind curb to control erosion and damage to pavement and drainage system.
- (7) Safe pedestrian crossings, using pavement marking, textured or colored paving materials, warning signs, crossing signals, pedestrian activated or otherwise, and/or speed bumps/humps as appropriate, as recommended by DOT Green Book Standards. (*Ord. No. 794, 11-19-91*)

Section 25.745.3 BLOCKS.

(a) Residential block sizes. Residential blocks shall not be less than four hundred (400) feet nor more than one thousand eight hundred (1,800) feet in length. The width of a residential block shall be sufficient to allow two tiers of lots of appropriate depth, except where lots abut directly upon an expressway, major arterial, lake, waterway, or a land use other than residential. In the latter case, consideration shall be given in the subdivision design to the proper buffering of the residential lots.

(b) Crosswalks: In blocks over one thousand two hundred (1,200) feet in length or where otherwise deemed necessary to give pedestrian access to schools, local shopping centers and parks, rights-of-way and pavement for pedestrian crosswalks may be required. Right-of-way for crosswalks shall have a minimum width of ten (10) feet.

(c) Nonresidential block sizes: Blocks laid out for other than residential use shall be of a shape and size as may be suitable for their prospective use. Adequate provisions shall be made to provide areas for off-street parking, loading and unloading, and other service activities.

Section 25.745.4 LOTS.

(a) General arrangement. Lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, appropriate for the location of the subdivision and for the type of development and use contemplated.

(b) Frontage. All lots shall front on a public street or contain adequate provision for access to an abutting street, provided such alternative access is provided for by prior agreement between the City and the subdivider. Lots having double frontage shall be avoided except where essential to provide separation of residential development from railroad or arterial rights-of-way. In such cases, provisions shall be made either for marginal access streets or for lots backing onto said rights-of-way. Lots facing upon such rights-of-way shall have additional depth so that buffering may be provided. (*Ord. No. 1154, 10-18-2005*)

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- (c) Lot sizes. Lot sizes shall conform to the requirements of the zoning code of the City of Temple Terrace.
- (d) Corner lots. Corner lots shall have a width at least ten (10) percent larger than the width of interior lots along both adjacent streets so as to permit the location of buildings in conformance with the setback lines of both streets.
- (e) Butt lots. Residential lots in such a position shall have a width of ten (10) percent greater than the width of interior lots.
- (f) Lot lines. Whenever possible, lot lines shall intersect streets and each other at right angles, and in no case shall a lot have an interior angle of less than thirty (30) degrees.
- (g) Remnants. All odd or left over pieces of land shall be included within adjoining full lots.
- (h) Lot numbers. All lots shall be numbered by progressive numbers and, if in blocks, then progressively numbered in each block and the blocks shall be progressively numbered or lettered. Blocks in numbered additions to a plat previously recorded and bearing the same name may be numbered consecutively throughout the several additions.
- (i) Municipal limits and lot lines. Lots shall be designed so as not to be divided by municipal boundary lines, except where unavoidable and upon approval of the City Council.

Section 25.745.5 EASEMENTS.

- (a) Drainage. Where a proposed subdivision is transversed by a water course, drainage way, canal or stream, appropriate dedication of suitable easement provisions shall be made to accommodate storm water and drainage through and from the proposed subdivision. Said dedication or easement shall conform substantially with the lines of said water course and be of sufficient width or construction, or both, as to be adequate for the purpose including maintenance thereof.
- (b) Utilities. Utility easements shall be provided on rear, front and side lot lines. Easements along front property lines shall be five (5) feet. Easements along rear and side lot lines shall be a minimum of fifteen (15) feet in width, and seven and one-half (7.5) feet on either side of the lot line. Where utility easements are planned adjacent to the subdivision boundary, the full width necessary shall be provided within the proposed subdivision.

Section 25.745.6 SIDEWALKS.

Sidewalks shall be provided on both sides of all streets except that upon recommendation of the City Engineer, the City Council may waive these sidewalk requirements in areas where, due to peculiar environmental or topographic conditions, sidewalks are deemed inappropriate. Prior to the acceptance of the subdivision and as an express condition thereof, the developer shall install all required sidewalks in accordance with City criteria and specifications, or in the alternate, deposit with the City a cash sum equal to the cost to install the required sidewalks as calculated by the City Engineer, guaranteeing the construction of sidewalks in conjunction with individual lot development or two years from the date of acceptance of the subdivision, whichever is earlier. Sidewalks shall be a minimum of 5' in width. Where heavier volumes of pedestrian traffic are expected, width requirements may be increased upon recommendation by the City Engineer. The provision of a system of sidewalks serving the interior of a site shall not relieve the developer of the requirement to furnish sidewalks along all public street frontages. (*Ord. No. 794, 11-19-91*)

Section 25.745.7 STREET LIGHTS.

- (a) The subdivider shall provide for street lights in rights-of-way (public) and on private roadways in accordance with plans and specifications approved by the City Engineer.

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(b) All street lights shall be high-pressure sodium vapor type, and shall be placed on prestressed concrete or metal poles, unless specifically otherwise approved by the City Engineer.

(c) For street lights on rights-of-way (public), the City will assume responsibility for maintenance and electric power. The subdivider shall pay to the City for said street lights, service and maintenance, an amount not to exceed one-fourth (1/4) of an estimated twenty (20) year cost, based on the charges the City is paying to Tampa Electric Company for such street lights, service and maintenance.

Section 25.745.75 PARKING LOT AND AREA LIGHTING ILLUMINATION STANDARDS.

The objective of parking lot and area lighting is to provide effective lighting for pedestrians and vehicular traffic. All parking lot and area lighting systems shall be designed and certified to meet ANSI/IES for area lighting. These standards apply to all properties with the exception of parcels used for single family-detached dwelling purposes. For purposes of implementation of this Section, lighting designs provided by Tampa Electric Company and in accordance with their standards, as may be amended from time to time, shall be deemed to comply with this Section.

(a) **IES Area Classifications.**

The IES has established specific design criteria for the footcandle level and the uniformity ratio for parking lot and area lighting. Proper lighting designs require that the designer be familiar with the area classifications recommended by IES. The classifications are based on the use of the area (Vehicle Use Only or General Parking and Pedestrian Area) and the area's activity level (Low, Medium, or High). Definitions of the use and activity level classifications for parking and area lighting are as follows:

(1) **Use Definitions:**

- a. **General Parking and Pedestrian Area.** Areas where there may be a mixture of pedestrian and vehicular traffic, such as businesses that may occasionally experience activity after dark and local or regional shopping centers.
- b. **Vehicular Use Area Only.** Areas where conflicts between vehicles and pedestrians are not likely to occur, such as service areas and access roads.

(2) **Activity Level Definitions:**

- a. **Low Activity Level.** Area where there are limited night activities, such as outdoor storage areas, and office building parking lots normally closed at night.
- b. **Medium Activity Level.** Areas normally used nightly, such as fast food facilities, area shopping centers, hospital parking areas, transportation parking, cultural and civic events, residential complex parking, and community colleges.
- c. **High Activity Level.** Areas where unusually high pedestrian and/or vehicular traffic is expected, such as major league athletic events, major cultural or civic events, and major regional shopping centers.

(b) **Recommended Illuminance and Uniformity.**

The following table shows both minimum and average maintained illuminance values recommended by IES based on the area's activity level and use classification. The minimum values shown are the lowest acceptable light levels at any location for the surface of the area during the life of the lighting system.

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This is the major distinction between roadway and parking area lighting IES values. IES roadway specifications state the average maintained footcandle value to be obtained with a specific uniformity. IES parking area specifications state the minimum maintained footcandle level allowed in the parking area with a specific uniformity. In roadway lighting, the focus is on the average footcandle and uniformity specifications because roadway lighting deals with vehicles traveling at speeds that make average light levels and uniformity the critical issues. Parking lot lighting is task related, in that it deals with pedestrians walking to and unlocking their vehicles. The critical issues in parking lot lighting are minimum light levels and uniformity.

Parking Area Maintained Light Level (fc) and Watts-per-Square Foot (W/ft²)

Area Use: General Parking and Pedestrian Areas

Activity Level	Minimum fc	Average fc	Uniformity	W/sq. ft.
Low	0.2	0.8	4 to 1	0.023
Medium	0.6	2.4	4 to 1	0.065
High	0.9	3.6	4 to 1	0.1

Area Use: Vehicle Use Area Only

Activity Level	Minimum fc	Average fc	Uniformity	W/sq. ft.
Low	0.125	0.5	4 to 1	0.015
Medium	0.33	1	.03 to 1	0.029
High	0.66	2	.03 to 1	0.055

The average maintained footcandles are derived from the following equation:

$$\text{Uniformity} = \frac{\text{Average Footcandle}}{\text{Minimum Footcandle}}$$

If more than one classification can be applied to any single area, always use the classification that requires the greatest light level. (*Ord. No. 1045, 5-15-01*)

Section 25.745.8 STREET NAME SIGNS.

The subdivider shall provide and install street name signs in accordance with the standards of the City.

Section 25.745.9 REFERENCE MARKERS.

The subdivider shall provide permanent reference monuments, at least four (4) in number, no more than eight hundred (800) feet apart, which shall be placed within the tract or on the exterior boundaries thereof, so as to provide definite reference points from which may be located any points, lines, or lots set forth on said plat. All points of curvature, points of reverse curvature, points of tangency and at least two (2) points in the exterior of each block, shall be permanently marked with such monuments. The location of such points, as are inaccessible, may be established by ties. All monuments so placed shall be of metal not less than three (3) inches in diameter or shall be square and not less than three (3) inches on a side. If smaller, metal markers shall be encased in a solid block of concrete not less than four (4) inches in diameter or four (4) inches on a side if square, having the reference point marked thereon. Monuments shall be twenty-four (24) inches in length. The top of the monuments shall be set flush with the finished grade at their respective locations. They shall have their position in reference to each other indicated by distances and angles and not less than one of said monuments shall have its location indicated on the plat in reference to the nearest government corner or section corner. The position of said monuments shall be indicated on the plat by a small circle and shall be marked "Permanent Reference Monument" or the initials "P.R.M." to designate the same.

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Section 25.745.10 EXCAVATION.

(a) Permits. It shall be unlawful for the owner, occupant or person in control of any lot, parcel or tract of land within the City to alter, excavate, fill or remove any of the land or its surface within the limits of the City without first obtaining a permit to do so from the City Manager.

(b) Submission of plans. Permits to alter, excavate, fill or remove land or its surface within the limits of the City shall not be issued by the City Manager without first obtaining the approval of the City Engineer. The City Engineer shall not be required to give his approval unless and until the applicant for such permit shall have submitted to the City Manager plans and specifications covering the project and a description of the intended result. The City Engineer shall have the right and privilege of disapproving the application or permit, if in his judgement the work intended to be done shall cause a substantial difference in the appearance of the lands immediately adjacent thereto or shall create a drainage problem, or shall create or cause a hazard to the health and safety of the citizens.

Should said application for a permit be disapproved, the applicant shall have a right of appeal to the Mayor and City Council at the first regular meeting following the date of denial and the decision of the Mayor and City Council in this respect shall be final. It shall be the duty of the City Manager to advise any refused applicant of his right to appeal at the time of such refusal or disapproval.

(c) Violations and notice to correct. The City Manager, or his duly designated representative, shall from time to time ascertain whether there exists any alteration, excavation, filling or removal of land or its surface within the limits of the City, which condition has been created without a duly authorized permit from the City, and should he find such a condition existing in violation of this Chapter, then it shall be the duty of the City Manager to give notice as hereafter provided to the owner, occupant or person in control of such lot, parcel or tract, to correct the condition by restoration of the land or its surface to the condition which existed prior to the violation, or as nearly as possible to do so and within fifteen (15) days after the service of such notice.

Notice by the City Manager shall be in writing to the owner, if his address can be ascertained by reasonable diligence, or to the person in control of occupying the premises. If the owner's address cannot be ascertained, and in the event that neither can be ascertained, then by the posting of a notice in a newspaper of general circulation in Temple Terrace, Florida, giving fifteen (15) days notice and reciting that should the work not be done by the owner, person in control of, or occupant, that the work will be done by the City and the costs assessed against the property.

(d) Failure of owner to comply and correction by City. Upon the failure of the owner, occupant or person in control of such premises to remedy the conditions existing in violation of the requirements hereof within fifteen (15) days after service of such notice to do so, then the City Manager shall proceed to have the conditions remedied either by direct labor of City employees, or by contract, or by a combination of both methods, and immediately thereafter report his doings to the City Council.

The City Council by appropriate ordinance may authorize the assessment of the costs of such work against the particular lots, parcels or tracts, and upon the passage of such ordinance, the costs thereafter shall become a lien upon the particular premises and the City shall have the right and privileges granted to municipalities by the Florida Statutes for the enforcement of liens for special assessment and with the same new penalties and same rights of collection, foreclosure, sale and forfeiture as obtained for special assessment liens, and such liens shall bear interest at the rate of six (6) percent from the date of the assessment. The amounts due thereunder shall be payable thirty (30) days after publication of the notice of assessment.

(e) Violations, penalty. Any owner, occupant or person in control violating any of the provisions of this Chapter upon conviction thereof shall be punished by fine not exceeding fifty dollars (\$50) or by imprisonment for a term not exceeding thirty (30) days, or by both such fine and imprisonment.

(f) Enjoining violations. In addition to the right of the City to punish for the failure to obtain a permit as described in this Chapter, and in addition to the right to order the work to be done by the owner, occupant or person in possession, or to do the work and assess the costs as a lien against the lot, parcel or tract, the City shall have the right to cause a discontinuance of any such unlicensed work by injunction.

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Section 25.745.11 DRAINAGE SYSTEMS.

(a) Plan submittal. The following plans and information, prepared by a Florida Registered Engineer shall be submitted for the proposed drainage system:

- (1) Five (5) sets of drawings including:
 - a. A detailed site plan including a general location map and the location of all existing and proposed pavement and structures.
 - b. Construction plans of sufficient detail to indicate compliance with this Section and to enable construction with minimal interpretations by a contractor. Data should include existing and proposed conduits, inlets, manholes, pipe sizes and slopes, invert elevations, and retention/detention basins.
 - c. Established drainage areas, acreage and boundaries of proposed drainage areas, and sufficient elevations to delineate said drainage areas.

- (2) Two sets of supplemental data, including:
 - a. Topographic maps of the site and all adjacent contributing areas before and after the proposed alterations.
 - b. Information regarding the types of soils and ground water conditions existing on the site.
 - c. General vegetation maps of the site before development and a plan showing the landscaping to be performed as part of the project.
 - d. Design calculations, percolation test results, and seasonal high water determination.
 - e. Additional information necessary for determining compliance with this Section as the City Engineer may require.

(b) Design criteria. Drainage designs shall be based on the following design criteria unless conditions dictate that such criteria may be modified, or unless more strict requirements are set by other regulatory agencies. Drainage calculations shall be furnished to support proposed drainage features.

- (1) Water quality. The drainage system shall provide treatment equivalent to retention, or detention with filtration, or the runoff from the first one (1) inch of rainfall; or as an option for projects with drainage areas less than one hundred (100) acres, the first one-half (1/2) inch of runoff. Facilities which discharge to Class I waters shall be provided with an approved, workable filter system.

- (2) Design method. For drainage areas less than two hundred (200) acres, the drainage system shall be designed by the Rational Method.

- (3) Design frequency. Rainfall data is to be obtained using Florida DOT Zone 6 Rainfall Curves. The design frequency shall be:

Facility	Design Frequency
Ditches, cross-drains, storm sewers for external subdivision drainage	25 year
Ditches, cross-drains, storm sewers within subdivisions	10 year
Retention basins (no outlet)	100 year 24-hour rainfall

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(4) Coefficient of Runoff:

Type Development	Runoff Coefficient
Unimproved areas	0.20
Single-family residential	0.40
Multi-family including apartments	0.60
Commercial	0.90
Paved areas	0.90

(5) Coefficient of roughness (Manning’s coefficient):

Type	Coefficient
Reinforced concrete pipe	0.012
Concrete box culvert	0.012
Corrugated metal pipe	0.024
Bare earthy ditches	
Maintained	0.03
Not maintained	0.08

Others: to be approved by the City Engineer

(6) Inlets:

- a. The flow time to the first inlet shall be determined by standard practice, but shall be a minimum of fifteen (15) minutes.
- b. Desirable inlet spacing shall be from 400’ to 600’.
- c. Other than at intersections, inlets shall be placed as near as possible to common property line.
- d. Where City standard details are not available, inlets shall conform to Florida DOT standards.

(7) Manholes:

- a. Shall be placed at all grade changes and at changes in alignment.
- b. Maximum distance between manholes shall be three hundred (300) feet.
- c. Where City standard details are not available, manholes shall conform to Florida DOT standards.
- d. Conflict manhole: Where it is necessary to allow a sanitary line or other utility to pass through a manhole, inlet or junction box because of no reasonable alternative, the utility shall be ductile iron and shall be located in the upper half of the sewer opening.

(8) Conduits (storm sewers):

- a. Shall be a minimum of fifteen (15) inches in diameter.

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- b. Shall have a minimum velocity of 2.5 feet per second, and a maximum velocity of 10.0 feet per second.
 - c. Minimum clearance between top of pipe bell and bottom of roadway subgrade shall be 0.5 feet.
 - d. Minimum clearance between outside of crossing conduits shall be 0.5 feet.
 - e. Pipe material shall be reinforced concrete, ABS, or corrugated aluminum pipe.
- (9) Pavement elevation relative to drainage components:
- a. The bottom of street subgrade shall be at least six (6) inches above seasonal high ground water elevation.
 - b. The low edge of street pavement shall be at least one (1) foot above the design high water elevation of the applicable design year storm.
 - c. The low edge of street pavement near a retention and/or detention basin shall be at least one (1) foot above the design high water elevation of said retention and/or detention basin.
- (10) Retention and detention basins:
- a. Retention basins shall be designed to retain a twenty-four (24) hour, one hundred (100) year frequency rainfall.
 - b. Detention basins shall be designed so that the instantaneous peak discharge from the developed site due to a twenty-five (25) year rainfall shall not exceed the instantaneous peak discharge from the undeveloped site due to a ten (10) year rainfall.
 - c. Recovery time for basins shall be a maximum of seventy-two (72) hours.
 - d. An infiltration rate test shall be performed for each one-half (1/2) acre of basin bottom. The test shall be the Standard Double Ring Infiltration Test. A safety factor of 2 shall be used in using the infiltration rate so determined.
 - e. A soil boring shall be taken for each one-half (1/2) acre of basin bottom, and shall include soil classification and a determination of current water level and seasonal high water table. The soil report shall be included with the drainage calculations.
 - f. Minimum freeboard for basins shall be one (1) foot between design high water and top of bank.
 - g. Side slopes of both wet and dry ponds shall be no steeper than four-to-one (4:1) to a point where the depth is two (2) feet below the control elevation. Where these slopes are present, no fencing (or wall) is required. Where slopes are steeper than four-to-one (4:1), the requirements of Section 25.780.11 shall apply.

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- h. Retention and/or detention ponds having vertical walls must also be provided with one (1) or more means of ingress and egress for purposes of maintenance and safety. Specific plans for this requirement must be approved by the City Engineer.
 - i. Landscaping and buffering shall be provided as set forth in Section 25.780.11.
 - j. Conditions downstream of the outlet control structure shall be such that will enable said outlet control to function as shown on the design calculations.
 - k. The basin shall be provided with an emergency overflow spillway to control discharge in the event the basin overflows.
 - l. Inlet-outlet structures shall be designed to prevent silting, erosion and maintenance problems.
(Ord. No. 797, 2-4-92)
- (11) Underdrains:
- a. Underdrains may be required by the City Engineer to facilitate ground water control during construction and may be left in place. When the use of underdrains is required, the Road Drainage Plans shall include all details necessary to clearly indicate the underdrain construction.
 - b. Underdrains are considered to be a permanent control of the ground water table. The design of the roadway may be based on long term ground water level control through the use of underdrains.
 - c. A filter fabric envelope shall be used with underdrains and shall be an approved strong, porous nylon, polyester, polypropylene or other fabric approved by the City Engineer, which completely covers the underdrain surface in such a way as to prevent infiltration of surrounding material. The filter envelope shall weigh a minimum of 2.5 ounces per square yard, shall retain soil particles larger than two hundred twelve (212) microns (no. 70 sieve) and shall pass particles finer than twenty-five (25) microns. When tested in accordance with ASTM D1682, the grab strength (wet) of the filter fabric shall not be less than one hundred (100) pounds and the grab elongation shall not be less than sixty (60) percent. Storage and handling of the filter fabric shall be in accordance with the manufacturer's recommendations. Torn or punctured filter fabric shall not be used. The filter fabric shall not be exposed to sunlight for periods exceeding the manufacturer's recommendations or six (6) weeks, whichever is shorter.
 - d. Underdrain pipe shall be of sufficient size to effectively control the flow. Underdrain pipe shall be concrete, corrugated aluminum, polyvinyl-chloride, corrugated polyethylene or other material approved by the City Engineer. Concrete, corrugated aluminum and polyvinyl-chloride underdrain shall be in accordance with the Florida DOT Standard Specifications for Road and Bridge Construction.

Section 25.745.12 WATER DISTRIBUTION SYSTEM.

(a) All water distribution systems, water main extensions and all appurtenant items shall be designed in accordance with applicable regulations of the City, the Hillsborough County Health Department, and the standards herein.

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- (b) Fire protection systems connected to the City system are subject to City review and inspection.
- (c) The City shall own and maintain all portions of the water system up to and including the water meter.
- (d) Valves shall be provided for all branch connections, loop ends, fire hydrant stubs or other locations, as required to facilitate operation of the distribution system. Valves shall be placed so that the maximum allowable length of water main required to shut down for repair work shall not be more than five hundred (500) feet in commercial, multi-family, and residential districts, or one thousand (1,000) feet in other areas. A sufficient number of valves shall be installed so that a break or other failure will not affect more than one fourth (1/4) mile of arterial mains, five hundred (500) feet of mains in commercial districts, or eight hundred (800) feet of mains in residential districts. If construction is to be phased, valves must be installed at the end of each line that is to be continued. Valves shall meet the requirements of the City's technical manual.
- (e) Air release valves should be specified where the water main profile is such that air pockets or entrapment could occur, resulting in flow blockage.
- (f) All water distribution system piping shall be ductile iron or C-900 PVC, SDR 18. Water service lines shall be Type K copper tubing or polyethylene tubing, ASTM D-2239, SDR 9 and PE 3306. Minimum cover shall be thirty-six (36) inches.
- (g) Fire Hydrants
 - (1) The water distribution system and/or water main extensions shall be designed and constructed in accordance with the fire protection requirements of the insurance services office (National Board of Fire Underwriters), as stated in their publication "Guide for Determination of Required Fire Flow."
 - (2) Fire hydrants will be required on all water distribution systems and extensions thereof as follows:
 - a. Residential areas: Fire hydrant spacing shall not exceed five hundred (500) feet, measured along the edge of pavement. In addition, on dead-end streets (permanent or temporary), a fire hydrant shall be within two hundred-fifty (250) feet of the farthest corner of each building. Each hydrant shall be designed to deliver a minimum flow of five hundred (500) GPM at a residual pressure of twenty (20) psi.
 - b. Commercial and apartment areas four (4) stories or less: fire hydrants shall be so located that they are not over five hundred (500) feet apart along the pavement with a minimum of two hundred-fifty (250) feet to the last unit. The system shall be designed to deliver a minimum flow of either five hundred (500) GPM each from two (2) hydrants at the same time or one thousand (1,000) GPM from one (1) hydrant, at a residual pressure of twenty (20) psi.
 - c. Commercial and apartments over four (4) stories: fire hydrants shall be so located that they are not over five hundred (500) feet apart along the pavement with a minimum of two hundred-fifty (250) feet to the last unit. The system shall be designed to deliver a minimum flow of one thousand (1,000) GPM from each of two (2) hydrants at the same time, with a residual pressure of twenty (20) psi.

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- (3) Minimum water main size for feeding a fire hydrant shall be six (6) inches.
- (4) Fire hydrants shall have one (1) four and one-half (4-1/2) pumper connection and two (2) two and one-half (2-1/2) inch hose connections.

(h) All PVC distribution system piping shall have an acceptable magnetic locator tape buried over it per City specifications.

(i) A hydrostatic test as set forth in Section 4 of the Standard AWWA specification C-600-77 shall be applied to the whole or individual valved-off sections of the mains and hydrant leads. The pressure during the test shall be maintained at 150 psi, and the duration of the test shall be two (2) hours.

Section 25.745.13 WASTEWATER SYSTEM.

(a) All sanitary sewers, sewage force mains, lift stations, and appurtenances thereto shall be designed in accordance with applicable regulations of the City, the Hillsborough County Health Department, and the standards herein.

(b) No wastewater collection system or wastewater transmission system, or any part thereof, which is to become the property and sole responsibility of the City will be designed or constructed outside of any public right-of-way and/or easement which may be used for said purpose.

(c) **Materials**

- (1) Except where required for conflicts or for force mains, sewer pipes shall be PVC, meeting extra strength requirements of ASTM D3034, SDR 35.
- (2) Where ductile iron pipe is required, it shall meet ANSI A21.50 and A21.51, Class 50 for push-on joints and Class 53 for flange joints. The exterior shall have standard bituminous coating, 1 mil thickness, on the exterior, and a 40 mil lining of polyethylene, fusion applied, on the inside.
- (3) Manholes shall be precast concrete or brick, and shall conform to the City's standard construction drawings. The City Engineer may require fiberglass manholes at certain locations.

(d) Minimum size of public gravity sewers shall be eight (8) inches; minimum size of sewer laterals within rights-of-way shall be six (6) inches.

(e) Gravity sewers shall have a minimum velocity of 2.0 fps.

(f) **Testing**

- (1) Force mains shall be tested hydrostatically for at least two (2) hours at a pressure of 100 psi.
- (2) Gravity sewers:
 - a. Shall be tested by infiltration or ex-filtration, as determined by the field conditions, so as not to exceed maximum allowable leakage of one hundred twenty-five (125) gallons per inch diameter per mile of pipe per day, or

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- b. Shall be air tested per accepted industry procedures.
- c. Shall be light tested to show a vertical axis in full pipe diameter and a horizontal axis in at least 75% pipe diameter.
- d. PVC pipe shall be subjected to a deflection test; maximum deflection shall not exceed 5%.

(3) Televising of sewers may be required by the City Engineer in certain instances.

(g) Separation of water and wastewater lines: Water and wastewater lines including services, shall have a minimum lateral separation of ten (10) feet, and in the case of crossings, a minimum vertical separation of eighteen (18) inches shall be maintained. Where this is impossible, the sewer will be twenty (20) feet of either ductile pipe or six (6) inch thick concrete encasement, centered at the point of crossing.

(h) Identification

- (1) Where ductile iron pipe is used for sanitary sewage, it shall be spirally wrapped with two (2) inch dark GREEN vinyl tape per City specifications.
- (2) All PVC pipe shall have an acceptable magnetic locator tape buried over it per City specifications.

(i) Air release valves

Air release valves shall be installed at all high points in force mains or as directed by the City.

(j) Pumping stations

(1) General

- a. Pumping stations will be used only when conditions preclude the utilization of existing gravity sewer lines as a method of connecting to the existing City system.
- b. All pumping stations shall have a minimum of two (2) pumps, each which must be capable of pumping 250% of the average design flow.
- c. Pumps and motors shall be designed to meet the applicable discharge, head, horsepower and RPM requirements. Pumps shall be capable of handling raw, unscreened sewage. All openings and passages shall be large enough to permit the passage of three inch spheres. Pump suction and discharge openings shall be at least four (4) inches in diameter. The pumps shall be of the non-clog type, and shall have double mechanical seals with filters, and shall be oil lubricated. They shall have a cast iron impeller, and a flexible, non-lubricated coupling to the motor. The motors shall be NEMA Design B, Code F, 230/460 volt, 3-phase, 60 cycle, with a service factor of 1.15 and “F” class insulation.

(2) Wet pit design

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- a. The pumping station shall be wet pit type and shall consist of two (2) submersible type pumps by Flygt or an approved equal, located within the wet well.
- b. The pumps shall be of the type that can be removed without entering the wet well. The guide rail, guide rail brackets, cable holder, and all support bolts and hardware shall be stainless steel.
- c. All pump discharge piping and fittings shall be 125# flanged ductile iron pipe, Class 53.
- d. All valves shall be placed in a poured-in-place concrete vault per City standard drawing.
- e. Wet well access covers (one for each pump) shall be constructed of aluminum, and shall be suitable for easy removal and replacement of the pumps.
- f. The station shall have a weatherproof receptacle mounted on the exterior of the control panel for an emergency generator connection of a type compatible with City generators.
- g. Positive odor and noise control provisions shall be included in the pumping station design.
- h. An auxiliary bypass shall be provided between the wet well and the discharge force main. The connections shall be Kamlock or approved equal.

(3) Pumping station controls

- a. The pump manufacturer shall furnish electric controls, floats and float switches compatible with his equipment.
- b. The pump control center shall contain a main circuit breaker, an emergency circuit breaker, motor starter, with thermal overload protection for each pump motor, hand-off-automatic switch for each pump motor, an automatic alternator relay, elapsed time meter for each pump motor, and any other circuitry as required for related equipment.
- c. All pumping stations shall have a high water level alarm light and alarm horn with silencer button remotely mounted on a separate aluminum Nema 4 Enclosure, 6" x 6" x 6" in size. Pumping stations shall also be equipped for and connected with the City telemetering system. The necessity for telemetering, whether immediate connection is to be accomplished or controls provided for future accommodation, shall be reviewed with the City's Public Works Department.

(4) Wet wells

- a. General: Wet wells shall be constructed of reinforced concrete manhole riser sections conforming to ASTM Standard C478. The wet wells shall be constructed with reinforced concrete top and base slabs and shall have suitable access covers.

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- b. Wet wells shall have a maximum of one (1) influent line. When two (2) or more sewers converge at the pump station site, a manhole shall be provided for these lines, and a single discharge line shall be run from a manhole to the wet well.
 - c. The interior and exterior of each wet well shall be painted with two (2) coats of Koppers “Bitumastic 300-M” or an approved equal, applied in accordance with the manufacturer’s directions.
 - d. When the wet well is completed, a frame cover, and top slab shall be completed to the grade shown on the plans.
- (5) Site paving, fencing, landscaping
- a. Pumping station site shall be paved with four (4) inch minimum 3,000 psi concrete, reinforced with 6 x 6-10/10 wire mesh. Discharge piping, water service and conduits shall be located beneath the slab.
 - b. The site shall be enclosed with a six (6) foot high chain link fence, and shall be buffered as specified in Section 25.780 of this Chapter.
- (k) Low pressure systems
- (1) Low pressure systems may be used as an alternative to conventional sewerage systems under the following conditions:
 - a. Where total costs of a conventional sewerage system would be excessive because of:
 - 1. high groundwater table; or
 - 2. unstable soil conditions; or
 - 3. multiple lift stations; or
 - 4. excessive depth of excavation due to nature of terrain; or
 - b. Costs of providing conventional sewage collection would be excessive in areas characterized by low flows or slow and unpredictable growth; or
 - c. To provide environmentally acceptable centralized sewerage collection systems in recreational areas where conventional sewerage systems are unfeasible; or
 - d. To provide immediate relief to failing on-site sewage disposal systems.
 - (2) Design standards
 - a. All low pressure force main manifolds shall be located wholly within the rights-of-way or in public easements contiguous thereto. All pumps and appurtenances thereto shall be located wholly within the property they serve.
 - b. The pump unit shall be designed for handling wastewater, paper and other material normally found in sewage and shall be designed to handle two-inch solids. It shall be of the type specified by the City Engineer and shall be complete with pump, level control, check valve, piping, and duplex control box.

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- c. The pump shall be installed in a fiberglass basin specifically designed for said pump. The basin shall have a cast iron cover.
 - d. Pressure pipe two inches and larger shall be polyvinyl chloride (PVC), SDR 21, ASTM D-2241.
 - e. The influent gravity sewer shall be PVC, PSM, D-3034.
- (3) Operational standards
- a. The City shall own and maintain all force main manifolds within public rights-of-way and all public easements dedicated for same.
 - b. The pump unit and appurtenances thereto shall be owned and maintained by the property owner.
 - c. The City shall make, or contract with a third party for, routine inspections of the pump unit, emergency repairs, all at the expense of the property owner.
 - d. The City Council shall adopt fees to cover the cost of the periodic inspections and emergency services.

(Ord. No. 86, 9-16-61; Ord. No. 249, 10-5-71; Ord. No. 728, 4-17-90; Ord. No. 759, 11-6-90)

Section 25.745.14 PUBLIC TRANSIT BUS STOPS.

(a) Bus routes shall be established by the Hillsborough Area Regional Transportation Authority (HART). All developments on existing or future bus routes shall make provision for either a transit stop and/or ensure pedestrian access to transit stops. All residential developments containing more than 200 dwelling units, and all non-residential developments of five (5) or more acres of land area shall propose a transit stop or access to a transit stop as part of their development application. The City and HART will determine the timing and location for installation of the transit stop. Such facilities, when built in accordance with the provisions of this Section, shall be counted as part of the project's total open space.

- (1) The transit stop shall be in a high activity area and well lighted.
 - (2) Stops should be located on collector and arterial roads near the center of population of residential or employment areas. In retail areas, locations near the anchor tenants are preferred. Where access to a transit stop is provided on private property, an agreement for easement shall be provided to HART.
- (b) All transit stop facilities shall be designed to ensure the safe movement of pedestrians and to be accessible to persons with disabilities.
- (c) Transit stops shall be designed as follows, unless otherwise determined by the City and HART:
- (1) Each stop shall have seating, landscaping, lighting, signage, and route and schedule information.
 - (2) Shelters shall be located and designed according to HART standards. Stops with more than one bus likely at a time may need additional shelters as required by HART.

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- (3) Shelter design should be coordinated with surrounding development. The requirement for a separate shelter may be eliminated where the architecture provides for similarly protected space that includes suitable seating out of inclement weather, as approved by the City and HART.
- (4) Seating shall be provided both within the shelter and/or with suitable street furniture outside the shelter.
- (5) Landscaping shall be provided in the form of planters or other appropriate landscaping devices and shall include an area with trees suitable so that seating areas can be shaded.
- (6) All such stops shall be designed with coordinated street furniture including lighting, architecture of the shelter, seating, and waste disposal containers.
- (7) Access and internal road geometrics with a development which provides a bus stop, shall accommodate a 102-inch wide by 45-foot long advance design coach.
- (8) Sidewalks, curb cuts, wheelchair ramps, and pedestrian paths shall be designed to move transit users to their final destinations on pedestrian walks or precincts that are well-lighted and pleasant.
- (9) Where transit stops are located adjacent to arterial and collector roadways, the developer shall provide bus pullout bays, designed in accordance with the standards of the City, County, HART, and FDOT, where appropriate. (*Ord. No. 794, 11-19-91*)

Section 25.745.15 NON-MOTORIZED TRANSPORTATION FACILITIES.

(a) Off-street paths and/or public easements for bicycle and pedestrian travel between structures or linking internal and external circulation systems shall be provided by the developer where such facilities would significantly shorten non-motorized travel distances.

(b) Bollards, gates, or other barriers to vehicles shall be incorporated into the design of off-street paths.

(c) Bicycle-friendly road design of collector and arterial roads shall be required during road resurfacing, widening, or new construction provided by the developer. This requirement may be met with outside lane widths of fourteen feet or greater, paved shoulders, or marked bicycle lanes, as recommended in the bicycle Facilities Planning and Design Manual (FDOT 1982, or subsequent editions).

(d) When a residential development is planned contiguous to a school site, another residential area, or a commercial area, non-motorized access shall be provided, if not otherwise available through use of local streets. Easements shall be required for the development of future bicycle/pedestrian paths when future adjacent land use is unknown. (*Ord. No. 794, 11-19-91*)

SECTION 25.745.16 REGULATION OF NEWS RACKS.

(a) **Definitions.**

- (1) **Advertising Circular.** Any publication that is predominantly advertising and containing minimal or no news reports.

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- (2) **Base.** A concrete pad installed or used to support a news rack.
- (3) **Modular News rack.** A connected grouping of two (2) to fourteen (14) compartments within a single structure, with all coin-operated news racks having a coin mechanism for each compartment, which may be placed on a mount or pedestal bolted to a base surface or be bolted directly to the paved surface, which is installed or used for the display, sale or distribution of newspapers, advertising circulars or similar publications. For purposes of these regulations, the term “news rack” means “modular news rack.”
- (4) **Mount.** A pedestal or other structure holding a news rack and attached to a base.
- (5) **Newspaper.** Any publication that is predominantly comprised of news reports or other non-commercial articles or information.
- (6) **News Rack Compartment.** Each compartment within a news rack designed to contain the newspapers, advertising circulars or similar publications being sold or distributed from that news rack.
- (7) **On Street Parking Area.** Those portions of the roadway directly adjacent to a curb or sidewalk where motorized vehicular parking is permitted.
- (8) **Owner.** The particular person or legal entity who is responsible for installing and/or maintaining a news rack, or the owner or one who distributes newspapers, periodicals, advertising circulars or other publications from the news rack.
- (9) **Private Property.** All property other than public property, including private rights-of-way.
- (10) **Public Property.** Parks, rights-of-way, easements and any and all other real property owned by the public, any governmental agency, or the City.
- (11) **Public Right-of-way.** Land dedicated or deeded to the public, occupied or intended to be occupied by a street, highway, sidewalk, pedestrian path, parkway, bicycle path or alley.
- (12) **Roadway.** That portion of a street improved, designed or ordinarily used for vehicular travel.
- (13) **Sidewalks.** Any surface within a right-of-way provided for the exclusive or primary use of pedestrians.
- (14) **Visibility Triangles.**
 - a. At street intersections, an area bounded by the first thirty (30) feet along the intersecting edges of the rights-of-way, projected where rounded, and a diagonal line extending across the property and connecting the ends of such thirty (30) foot lines.
 - b. At intersections of driveways with streets, an area bounded by the first ten (10) feet along the intersecting edges of the right-of-way and the driveway, projected where rounded, and a diagonal line extending across the property and connecting the ends of such ten (10) foot lines.

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(b) **Installation and Maintenance.**

- (1) **Obstruction Prohibited.** No person shall install, use or maintain any news rack which projects onto, into, or over any part of the roadway of any public or private street, or which rests, wholly or in part, upon, along or over any portion of a roadway, including medians.
- (2) **Design/Placement.** News racks shall be placed and maintained in accordance with the following criteria:
 - a. Modular news racks constructed of metal shall be the only type of news racks allowed to be installed and maintained in the City of Temple Terrace, except that news racks installed inside of an enclosed building may be of any type allowed by the owner of the property.
 - b. News racks allowed by the owner of a property shall be placed parallel to and not more than six (6) inches from the wall of the principle permanent structure located thereon.
 - c. No more than two (2) single-compartment metal news racks may be installed and maintained in any location. Where there exists a need or demand for three (3) or more compartments, the single-compartment news rack(s) must be removed to accommodate the placement of a multiple-compartment news rack.
 - d. News rack mounts; pedestals, frames and boxes shall be hunter green or equivalent.
 - e. News racks shall not exceed fifty four (54) inches in height and twenty four (24) inches in depth.
 - f. News racks shall not be chained, attached or otherwise secured to utility poles, signs, benches or other fixtures within public right-of-way or property.
 - g. News racks shall contain no advertising except the name of the publication being distributed.
 - h. News racks shall be maintained in a neat and clean condition, and in good repair at all times. Each news rack shall be serviced and maintained so that:
 1. It is free of graffiti;
 2. It is free of dirt and grease;
 3. It is free of chipped, faded, peeling and cracked paint in the visible painted areas thereof;
 4. It is free of rust and corrosion in the visible metal areas thereof;
 5. The clear plastic or glass parts thereon, if any, through which the publications are viewed, are unbroken and free of cracks, dirt, blemishes and discoloration;
 6. The paper or cardboard parts or inserts thereof are free of tears, peeling or fading; and

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7. The structured parts are not broken or unduly misshapen.
8. The surrounding area upon which the news rack is placed will also be maintained in a neat and orderly condition.
9. The advertising circular or newspaper publication content shall be current and not out-of-date, so that it will have timely value to its intended consumer or user.
- i. The name, address and telephone number of a responsible person who may be contacted at any time concerning the news rack shall be displayed in a conspicuous place on the news rack in such a manner as to be readily visible and readable to a prospective customer.
- j. No news rack shall be placed, installed, used or maintained:
 1. Within a visibility triangle.
 2. Within five (5) feet of any fire hydrant, fire call box or other emergency facility, traffic sign or signal, bus bench, bus shelter or building entrance.
 3. Within ten (10) feet of any marked crosswalk.
 4. Within ten (10) feet of the point where any driveway intersects with a public or private street.
 5. Within five (5) feet ahead of, and fifteen (15) feet of the rear of, any sign marking a designated bus stop, measured along the edge of the pavement.
 6. At any location that does not provide a clear width of continuous passage of at least thirty six (36) inches for pedestrians and wheelchairs.
 7. In a designated parking space or driveway.
 8. At any location in such a manner as to block any display window of any building abutting the sidewalk or in such a manner as to impede or interfere with the reasonable use of such window for display purposes.

(c) **Nonconforming News Racks.** All news racks within the City of Temple Terrace must be in compliance with the terms of these regulations within one year of the date of adoption of this ordinance. Any news rack found to be in violation at the end of the applicable period or at any time thereafter, shall be brought into compliance or removed by the owner within forty-five (45) days after written notification. Failure to comply with such notice within the time specified by such order shall result in the matter being referred to the Municipal Code Enforcement Board for hearing.

(d) **Abandonment.** In the event fifty one (51) percent of the total news rack compartments in a modular news rack remain empty for fourteen (14) continuous days, it shall be deemed abandoned and the City shall notify the owner to remove the news rack or replace it with a smaller news rack. For purposes of enforcing this provision, a compartment shall be considered abandoned if the content of the publication therein is not current and is out-of-date, so that it is of little or no value to its intended user or consumer.

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(e) **News Rack Mounting Standards.**

- (1) **Solid Base.** News racks shall be installed level and plumb on a hard surface. Every news rack on a single pedestal or a multiple post shall be securely bolted to a level, concrete base set in the ground.
- (2) **Damage to Property.** Any damage to public property or public right-of-way at the time of installation or removal of a news rack shall be the responsibility of the owner. Upon removal of the news rack, the owner shall be responsible for restoring the property surface to its pre-installation condition, subject to reasonable wear and tear.

(Ord. No. 1085, 2-4-2003)

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Section 25.750 NEIGHBORHOOD PRESERVATION STANDARDS.

Section 25.750.1 PURPOSE.

The purpose of this Section is to provide reasonable standards and regulations to assure the preservation of quality residential neighborhoods in the City, and provide standards and regulations for the following:

Commercial vehicles in residential zoning districts;
Recreational vehicles and boats in residential zoning districts;
Material and equipment storage;
Fences, walls and hedges;
Home occupations;
Adult bookstores and theaters;
Manufactured homes; and
Historical and architectural preservation

Section 25.750.2 COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS.

All “commercial vehicles,” including self-propelled vehicles with or without trailers, having a weight class of one (1) ton or more individually, or combined, and all commercial trailers, are prohibited from parking in any residential zoning district (street or lot) except while standing on a temporary basis for the purpose of loading or unloading, or providing other services, common to residential areas, or as may be permitted for non-residential uses under Section 25.760 of this Chapter. (*Ord. No. 420, 4-7-81; Ord. No. 726, 4-17-90*)

Section 25.750.3 RECREATIONAL VEHICLES, BOATS, AND TRAILERS IN RESIDENTIAL ZONING DISTRICTS.

Recreational vehicles, boats (as defined in Article II of this Chapter) and all non-commercial trailers less than 15 feet in length may be parked in a residential zoning district (street or lot) only under the following conditions, otherwise, they are prohibited from residential zoning districts:

(a) The recreational vehicles or boats may **not** be occupied for living purposes except in licensed parks and campgrounds, or by special event permit.

(b) The recreational vehicles and boats must be parked in a rear or side yard no closer than five (5) feet to any property line and screened from view by a buffer not to exceed seven (7) feet in height; or parked within an enclosed garage or carport.

(c) All non-commercial trailers must be parked in a rear or side yard no closer than five (5) feet to any property line and screened from view by a buffer not to exceed seven (7) feet in height; or parked within an enclosed garage.

(d) The recreational vehicles and boats may be parked in the front yard on a temporary basis, as follows:

- (1) For a period of up to two (2) days for purposes of loading, unloading, and cleaning;
- (2) For a period of up to seven (7) days when owned by visitors or house guests of the subject property.

(e) The recreational vehicles and boats, (including boat trailers), are parked or stored in areas specifically designated for storage and/or parking where said areas have been approved by plat, site plan or otherwise approved by City Council.

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(f) Exemptions: Notwithstanding anything written above, the following recreational vehicles are exempt from the provisions of this Section: vans, mini-vans, trucks, and other similar motorized vehicles having a length of twenty (20) feet or less, or a height of nine (9) feet or less and designed for the purpose of transporting passengers, cargo, or both; but which have been modified inside for camping or other recreational purposes. (Note: commercial vehicles are regulated under Section 25.750.2 of this Code.)

(Ord. No. 780, 8-6-91; Ord. No. 1087, 4-1-2003)

Section 25.750.4 MATERIAL AND EQUIPMENT STORAGE IN RESIDENTIAL ZONING DISTRICTS.

The storage of materials, supplies, appliances or equipment used or designed for commercial or industrial use, and the outdoor storage of home appliances and inoperative vehicles is hereby expressly prohibited in any residential zoning district. As used in this Section, the term “inoperative vehicle” shall include:

- (a) Any vehicle from which parts, including, but not limited to, the chassis, engine, wheels or tires have been removed; or
- (b) Any vehicle without a valid, current registration; or
- (c) Any vehicle which is incapable of movement under its own power and will remain so unless major repair or reconstruction occurs.

This Subsection shall not apply to the storage of building materials on a lot if said building materials are being used for construction of a building on said lot in conformity with the terms of this Chapter and this Subsection shall not be deemed to prohibit the restoration of vehicles within an enclosed garage. *(Ord. No. 164, 7-19-66; Ord. No. 726, 4-17-90)*

Section 25.750.5 FENCES, WALLS AND HEDGES ON RESIDENTIAL PROPERTY.

(a) Nothing in this Section changes the requirements or standards for “Fencing or Safety Barriers” included in Section 25.755.9 of Chapter 25 (Land Development Code), pertaining to swimming pools, or solid, wood fence, or landscape buffers as may be required in Section 25.780 of Chapter 25 (Land Development Code).

(b) Except as may be provided above or elsewhere in this Chapter, or by an approved subdivision plat or site plan, a fence or wall shall be permitted only within a side or rear yard, or in a front yard when the depth of the front yard is seventy-five (75) feet or more, or when the fence or wall is decorative in nature, subject to the following provisions:

- (1) The maximum height of any such fence or wall shall be:
 - a. Seven (7) feet when in any side or rear yard, or
 - b. Six (6) feet when in a front yard having a depth of seventy-five (75) feet or more, or
 - c. Three (3) feet when the fence or wall is “decorative” and located in the front yard, or
 - d. Three (3) feet when the fence or wall is within thirty (30) feet of the intersection of two (2) street right-of-way lines or the intersection of said lines extended.
 - e. Notwithstanding a. and b. above, the maximum height of any section of a fence or wall shall be allowed to deviate by no more than an additional eight (8) inches when the wall is “stepped” to accommodate significantly sloping ground.

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- (2) Vertical calculation of “height” of a fence shall be made by vertical measurements along the length of the outside face when measured from final, finished grade.
- (3) Additional height for any fence or wall may be permitted only upon approval of a variance therefor by the Board of Adjustment, or approval of a plat or site plan by City Council.
- (4) The finished side of any such wall or fence shall face out.
- (5) No roofing, beams, lattice work, barbed wire, or other material or structure shall be attached to or placed upon such wall or fence.
- (6) Hedges and shrubbery shall be permitted within any yard; provided that said hedges and shrubbery shall be maintained so as not to exceed a height of three (3) feet above existing ground level within thirty (30) feet of the intersection of two (2) street right-of-way lines or the intersection of said lines extended. It is the intent of this Section that nothing shall obstruct the line of sight so as to prevent the visibility of an approaching vehicle within the defined visibility triangle.
- (7) All fences, walls and hedges shall be regularly maintained to continue their structural integrity, and/or to provide a neat appearance and to preserve the aesthetic character of the neighborhood. In the case of exterior subdivision walls, the homeowner’s association or condominium association shall be jointly and severally responsible with the home/unit owner for the maintenance of said exterior wall as well as the grass or landscaped area between the wall and paved surface of the adjoining roadway. The fabrication of fences and walls shall follow good construction methods, and masonry walls shall have longitudinal footer and bond beam reinforcing steel as well as vertical reinforcing steel at no more than eight (8) feet on center. (*Ord. No. 1065, 3-5-02*)
- (8) No fences, or walls, other than decorative fences and walls, shall be erected, placed, or located in front yards; except that fences and walls up to six (6) feet in height are permissible in front yards having a depth of seventy-five (75) feet or more. Otherwise, existing front yard fences and walls shall be subject to the provisions of nonconformity contained in Article VIII of this Chapter.
- (9) A “decorative” fence or wall may not be constructed of chain link, board-on-board, solid brick, solid masonry, or material similar in appearance. (Examples of acceptable decorative fences or walls are split rail, corral, picket, wrought iron; or, low brick or stucco walls constructed alternately of brick or masonry, and sections of wrought iron, aluminum, or material similar in appearance.)
- (10) Landscaping: Where a chain link fence is visible from a street, and is located in a front, rear, or side yard, and the fence is between the house and the street, or, the fence is forward of the front of an adjacent residence, said fence shall be landscaped by self-supporting plant material in such a manner so as to attain screening of the fence with eighty (80) percent opacity within two (2) years of planting. Chain link fences which were in existence prior to the enactment of new standards on May 5, 1992, shall meet this landscaping requirement prior to July 1, 1994, and have landscaping in place no later than December 1, 1992.

Exception: Chain link fences along side or rear property lines when any part of the side or rear yard fence is forward of the front of an adjacent house need not be landscaped except when the lot is a corner lot.

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- (11) Chain link fences are prohibited in front yards except on “deep lots” (a lot where the front yard has a depth of at least seventy-five (75) feet), or where properly “grandfathered.”
- (12) The height of a gate, or the gate posts, or columns, shall not exceed one hundred-twenty (120) percent of the maximum height of the fence or wall.

(Ord. No. 164, 7-19-66; Ord. No. 223, 1-6-70; Ord. No. 419, 3-3-81; Ord. No. 726, 4-17-90; Ord. No. 786, 9-3-91; Ord. No. 812, 5-5-92)

Section 25.750.6 RADIO, TV ANTENNAE, SATELLITE DISHES, AND COMMUNICATION TOWERS.

To the extent not superseded by Federal Law or regulation, radio and television antennae and dishes shall be considered accessory structures subject to the following requirements and conditions:

- (a) In single-family residential zoning districts:
 - (1) Roof-mounted satellite dishes are not permitted in single-family residential zoning districts unless eighty (80) percent of the antenna can be screened from view from all side property lines.
 - (2) Despite height allowances otherwise permitted for accessory structures, radio and television receiving antennae shall not exceed the maximum height limit specified for the zoning district, and ground-mounted satellite dishes shall not exceed twelve (12) feet in height when fully extended.
 - (3) Ground-mounted radio and television receiving antennae and dishes shall comply with accessory structure setbacks, or shall be set back a distance equal to fifty (50) percent of the maximum antenna or dish height (fully extended) whichever is greater. Height includes pole or mast support. If on a corner lot, no antenna or dish may be located closer to the side street than the principal structure.
 - (4) All ground-mounted antennae and dishes including supports shall be erected and maintained within the rear yard and shall be prohibited in any public easement or right-of-way.
 - (5) No more than one antenna or dish shall be allowed on a single-family residential lot.
 - (6) No advertising material shall be allowed on any antenna or dish.
 - (7) Satellite dishes shall be of a color which blends with the surroundings.
 - (8) All ground-mounted dishes shall be screened from view from surrounding properties and any right-of-way by a fence, wall or hedge a minimum of seven (7) feet in height. The screen must be eighty (80) percent opaque. However, at time of planting, hedges may be a minimum of three (3) feet in height, but must be capable of reaching seven (7) feet within three (3) years of installation.
- (b) Multi-family residential zoning districts:
 - (1) Despite height allowances otherwise permitted for accessory structures, radio and television receiving antennae shall not exceed the maximum height specified within the zoning district.

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Roof-mounted satellite dishes shall not be permitted on buildings having a height of thirty (30) feet or less unless eighty (80) percent of the dish is screened from surrounding properties and any public right-of-way.

- (2) Above thirty (30) feet, roof-mounted antennae and dishes are permitted up to the maximum height specified for the zoning district and shall be located in such a manner as to minimize the visual impact on surrounding properties and public rights-of-way.
 - (3) Ground-mounted satellite dishes shall not exceed twelve (12) feet in height when fully extended and shall be screened from view from surrounding properties and any public right-of-way by a fence, wall or hedge a minimum of seven (7) feet in height. The screen must be eighty (80) percent opaque. However, at time of planting, hedges may be a minimum of three (3) feet in height, but must be capable of reaching seven (7) feet within three (3) years of installation.
 - (4) Ground-mounted radio and television receiving antennae and dishes shall comply with accessory structure setbacks, or shall be set back a distance equal to fifty (50) percent of the maximum antenna or dish height (fully extended) whichever is greater. If on a corner lot, no antenna or dish may be located closer to the side street than the principal structure.
 - (5) No antenna or satellite dish may be located on any part of a zoning lot forward of the rear edge of the building. All antennae and satellite dishes must be set back from any property line a distance equal to the distance required for the principal structure.
 - (6) No installation, including supports, shall be located in any required yard(s) or in any public easement or right-of-way.
 - (7) Radio and television receiving antennae that are ground-mounted shall be located and designed to minimize the visual impact on surrounding properties and from any public right-of-way.
 - (8) Satellite dishes shall be of a color which blends with the surroundings.
 - (9) No advertising is allowed on any antenna or dish.
 - (10) No more than two (2) antennae or dishes are allowed per zoning lot.
- (c) Commercial and institutional/professional zoning districts:
- (1) Despite height allowances otherwise permitted for accessory structures, radio and television receiving and transmitting antennae and satellite dishes shall not exceed the maximum height specified within the zoning district, and roof-mounted satellite dishes shall not be permitted on buildings having a height of thirty (30) feet or less, unless eighty (80) percent of the dish is screened from surrounding properties and public rights-of-way.
 - (2) No screening is required for a roof-mounted antenna or satellite dish on a building that exceeds thirty (30) feet in height so long as the antenna or satellite dish does not exceed the maximum height specified for the zoning district and is located in such a manner as to minimize the visual impact on surrounding property and public right-of-way.

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- (3) Ground-mounted dishes shall not exceed twelve (12) feet in height and shall be screened from view from surrounding properties and any public rights-of-way by a fence, wall or hedge a minimum of seven (7) feet in height. The screen must be eighty (80) percent opaque. However, at time of planting, hedges may be a minimum of three (3) feet in height, but must be capable of reaching seven (7) feet within three (3) years of installation.
 - (4) Approved solid, wood fences, or landscape buffers along the property lines may also serve as satellite dish screens, provided they meet the standards and objectives cited herein.
 - (5) Ground-mounted radio and television antennae and dishes must be located to the rear of the building and shall be set back from all property lines a distance of at least fifty (50) percent of the height of the antennae or dish. If on a corner lot, the antenna or dish may be located no closer to the side property line than the building.
 - (6) No installation, including supports, shall be located in any public easement or right-of-way.
 - (7) Satellite dishes shall be of a color which blends into the surroundings.
 - (8) No advertising material shall be allowed on any antenna or dish.
 - (9) No more than two (2) antennae or dishes shall be allowed per zoning lot.
- (d) Communication towers and communication antennae:

City of Temple Terrace towers and antennae with public safety systems or equipment which may be used in conjunction with public/private facility co-location or privately owned towers, which accommodate City of Temple Terrace public safety systems or equipment, shall be exempt from the requirements of this Section. (*Ord. No. 1129, 10-19-04*)

- (1) Communication towers and communication antennae must locate on existing towers or buildings which are at least thirty-five (35) feet in height.
 - a. When located on top of buildings, communication towers shall be set back at least ten (10) feet from the edge of the buildings (water towers shall not be considered to be buildings subject to this setback requirement);
 - b. Communication towers and communication antennae shall not exceed greater than forty (40) percent over the building height.
- (2) Utility poles and transmission towers shall not be considered towers or buildings upon which antennae and/or towers are permitted to be located pursuant to this Subsection.
- (3) New freestanding communication towers/communication antennae shall not be allowed unless the applicant secures a waiver showing:
 - a. that existing towers and buildings do not technologically afford the applicant the ability to provide service to the service area of the applicant or service provider, and
 - b. that the geographical boundaries of the proposed service area cannot technologically be bifurcated to avoid the necessity for a freestanding tower/antenna.

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- (4) Structural Design. New communication towers/antennae and modifications to existing structures including, without limitation, the addition of height, antennae or providers, shall be constructed in accordance with all City building codes.
- (5) Setbacks. Communication tower/antenna setbacks shall be measured from the base of the tower/antenna, or protruding building structure at the base of the tower, whichever is closest to the property line of the parcel on which it is located. In addition, where there is a principal building housing a principal use located on the site, the communication tower/antenna and accessory structures to the tower/antenna shall be located behind the main building line.
- (6) Separation from off-site uses.
 - a. Communication tower separation shall be measured from the base of the tower to the closest point of off-site uses and/or designated areas as specified below. For purposes of this requirement, Global Positioning System (GPS) coordinates for the center of the tower(s) may be used.
 - b. Separation requirements for communication towers from residentially zoned and used lands or residential uses shall comply with the following minimum standards:

<u>TOWER TYPE</u>	<u>SEPARATION DISTANCE</u>
Monopole or camouflaged	One foot for each foot of tower height
Lattice	Not permitted

- (7) Separation distances between communication towers.
 - a. Separation distances between communication towers shall be applicable for and measured between the proposed tower and those towers that are existing and/or have received land use or building permit approval from the City of Temple Terrace or adjoining jurisdictions.
 - b. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower. For purposes of this requirement, GPS coordinates for the tower(s) may be used.
 - c. The separation distances (listed in linear feet) shall be as follows:

EXISTING TOWERS-TYPES
 (Including extra-jurisdictional area)

<u>Proposed Tower Types</u>	<u>Monopole 75' in Height or Greater</u>	<u>Monopole less Than 75' in Height</u>
<u>Camouflaged or Monopole 75' in height or greater</u>	<u>2,000</u>	<u>1,500</u>
<u>Camouflaged or Monopole less than 75' in height</u>	<u>1,500</u>	<u>1,500</u>
<u>Lattice</u>	<u>2,000</u>	<u>1,500</u>

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- (8) Fencing. A chain link fence or wall not less than six (6) feet in height from finished grade shall be provided around each communication tower. Access to the tower shall be through a locked gate.
- (9) Landscaping. The visual impacts of a communication tower shall be mitigated for nearby viewers through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering of communication towers shall be required around the perimeter of the tower and accessory structures. Landscaping shall be installed on the outside of fences. Further, the use of existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute of or in supplement towards meeting landscaping requirements:
- a. a row of trees a minimum of eight (8) feet tall and a maximum of twenty-five (25) feet apart shall be planted around the perimeter of the fence, and
 - b. a continuous hedge at least thirty (30) inches high at planting capable of growing to at least thirty-six (36) inches in height within eighteen (18) months shall be planted in front of the tree line referenced above, and
 - c. all landscaping shall be of the evergreen variety.
- (10) Height.
- a. No freestanding communication tower/antenna shall exceed one hundred-ten (110) feet in height from ground level except that a 10% increase in tower height may be permitted where it can be established that said increase will afford opportunity for co-location. Notwithstanding Section 25.750.6 (d) above, under no circumstances shall a communication tower exceed 150 feet in height without approval from City Council. (*Ord. No. 1129, 10-19-04*)
 - b. Where installed on top of a building, no communication tower/antenna shall extend greater than 40% over the building height.
 - c. An existing communication tower may be modified to a taller height not to exceed ten (10) percent of the tower's existing height to accommodate the co-location of an additional communication antenna.
 - 1. The height change referred to in this subsection may only occur one time per communication tower.
 - 2. The height change referred to in this subsection shall not occur prior to twenty-four (24) months from the date of issuance of the initial permit for tower construction.
 - 3. The additional height referred to in this subsection shall not require an additional distance separation. The communication towers pre-modification height shall be used to calculate such distance separations.
- (11) Type of Construction. Communication towers shall be of a monopole construction, provided, however, camouflaged construction may be approved by the City Council subject to conditional use approval, upon consideration of the following factors:
- a. compatibility with adjacent properties;

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- b. architectural consistency with adjacent properties;
 - c. visual impact on adjacent properties, including visual access of adjacent properties to sunlight; and
 - d. design of accessory structures in order to be architecturally consistent with the existing structures on the site. A waiver from the fencing and landscaping requirements of this section may be requested for such accessory structures.
- (12) Development Criteria. Communication towers/antennae shall comply with the minimum development criteria of the district in which they are located, pertaining to minimum lot size and open space.
- (13) Illumination. Communication towers/antennae shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration.
- (14) Co-location.
- a. Monopole communication towers shall be engineered and constructed to accommodate a minimum of one additional communication service provider.
 - b. Camouflaged communication towers may be engineered and constructed without accommodating additional communication service providers.
 - c. Communication towers located within electrical substations may be engineered and constructed without accommodating additional communication service providers. Such towers shall be monopole construction and shall be subject to all of the requirements of this section.
 - d. Proposed communication antennae may, and are encouraged, to co-locate onto existing communication towers and shall not necessitate additional conditional review.
 - e. If determined by the City that the proposed tower is situated in a location which will benefit the City's telecommunication systems, then the tower shall be engineered and constructed to accommodate the additional telecommunication equipment beneficial to the public system at a cost to the City no greater than the actual expense of the provider in so engineering and constructing the tower to meet the City's needs.
 - f. On-site location. A communication tower which is being rebuilt to accommodate the co-location of an additional communication antenna may be moved on-site within fifty (50) feet of its existing location, however, the antenna shall meet setback requirements. After the communication tower is rebuilt to accommodate the co-location, only one tower may remain on the site.
 - g. A relocated on-site communication tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers. The on-site relocation of a communication tower shall maintain separation distances to residentially zoned or used lands.

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- (15) Noninterference. No communication tower or antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety system and/or public safety entities.
- (16) Documentation. Documentation to demonstrate conformance with all requirements of these provisions shall be submitted by the applicant with all requests to construct, locate or modify a communication tower/antenna. A statement by the applicant as to how construction of the communication tower will accommodate co-location of additional antennae for future users shall be included with the documentation.
- (17) Abandonment. In the event the use of any communication tower has been discontinued for a period of one hundred-eighty (180) consecutive days, the tower shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower shall have an additional one hundred-eighty (180) days within which to: (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or (2) dismantle and remove the tower. The owner of the real property shall be ultimately responsible for all costs of dismantling and removal, and in the event the tower is not removed within one hundred-eighty (180) days of abandonment, the City may proceed to do so and assess the costs against the real property. The lien of such assessment shall bear interest, have priority and be collectable at the same rate and in like manner as provided for special assessments by Florida law. At the earlier of one hundred-eighty one (181) days from the date of abandonment without reactivation or upon completion of dismantling and removal, any special exception, waiver and/or variance approval for the tower shall automatically expire.
- (18) Finished Color. Communication towers not requiring FAA painting/markings shall have either a galvanized finish or be painted a non-contrasting blue or gray finish. The color should be selected so as to minimize the equipment's visibility. (*Ord. No. 938, 12-17-96*)

(e) Exceptions:

- (1) Radio and television antennae and dishes installed for use by military and emergency personnel including, but not limited to, civil defense, police and fire personnel and agencies, may be erected and operated in any location and shall be exempt from the provisions of Subsections (a) through (c) above.
- (2) Notwithstanding anything previously written above, radio and television receiving and transmitting antennae and dishes in conjunction with churches, synagogues, and educational institutions may be permitted.
- (3) Nothing in this Section shall preclude the erection and operation of ham radio transmitting antennae and dishes which comply with Subsections (a) and (b) above.
- (4) For purposes of these regulations, mast or pole-mounted satellite dish antennae fastened to the wall of the building shall be considered roof mounted.

(f) Variance:

Property owners who are unable to meet the above standards may apply for a variance pursuant to the requirements of Article VIII of this Chapter.

(g) Nonconformance:

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Radio and television antennae and satellite dishes which are made nonconforming by the adoption of these regulations shall be governed by Section 25.810.3 of this Chapter. (*Ord. No. 588, 8-19-66; Ord. No. 726, 4-17-90; Ord. No. 791, 10-1-91*)

Section 25.750.7 PROVISIONS FOR HOME OCCUPATIONS.

(a) Purpose. It is the purpose of this Subsection to establish criteria enabling certain occupations to occur as an accessory use within dwelling units, providing that the occupation will have no adverse effect or impact on the residential environs.

(b) License required. Any person who conducts an occupation within a residential dwelling in accordance with these regulations shall be required to obtain an occupational license from the City. (*Ord. No. 1054, 10-16-01*)

(c) Standards. The conduct of an occupation within a residential dwelling shall conform to the standards enumerated hereunder.

- (1) No sale or trading in merchandise shall be carried on from the property where the occupation is located.
- (2) No persons other than family members residing within the dwelling unit shall be engaged in the occupation.
- (3) All material, equipment or supplies used in the conduct of the occupation shall be kept entirely within the residential dwelling.
- (4) No occupation shall be conducted on the property outside the dwelling unit.
- (5) Traffic generated by the conduct of the occupation shall be no greater in volume than would normally be expected at a similar residence where no home occupation is conducted.
- (6) The occupation shall not involve the use of a commercial vehicle for delivery to or from the premises except third party common/parcel carrier/delivery service not to exceed two (2) trips per day.
- (7) No marked vehicle or equipment used in conjunction with the home occupation shall be parked on the property or contiguous street right-of-way that would identify, advertise, or otherwise attract attention to the occupation.
- (8) No occupation shall be conducted or equipment or process associated with such occupation shall be used that creates noise, vibration, glare, fumes, odors, dust, smoke, or electrical interference detectable to the normal senses at the lot line or beyond the lot line if the occupation is conducted in a detached single-family dwelling, or beyond the exterior of any common walls in a joined or multiple-family dwelling.

In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receiver off the premises or causes fluctuation in line voltage off the premises.

- (9) No display of projects, operations, signs, or name plates shall be visible from outside the dwelling.

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(d) Prohibited home occupations. The following occupations conducted in residential dwellings are expressly prohibited and presumed to be public nuisances in residential neighborhoods:

- (1) Barbershop, beauty shop.
- (2) Public dining facility.
- (3) Photographic studio.
- (4) Film developing or processing.
- (5) Repair shop, except watches and jewelry.
- (6) Laboratory, involving the conduct of experiments entailing the use of chemicals or matter or energy that creates, or causes to be created, noise, noxious odors, or hazards dangerous to the public health, safety and welfare.

(Ord. No. 164, 7-9-66; Ord. No. 726, 4-17-90)

Section 25.750.8 ADULT BOOKSTORES, ADULT THEATERS AND SPECIAL CABARETS.

(a) Definitions:

- (1) **“Adult bookstore.”** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, films, newspapers, photographs, paintings, drawings, or other publications, or graphic media which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Section, or an establishment with a segment or section devoted to the sale or display of such material.
- (2) **“Adult theater.”** An enclosed building or an enclosed space within a building used for presenting either filmed or live plays, dances, or other performances either by individuals or groups, distinguished or characterized by an emphasis on material depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Section, for observation by patrons therein.
- (3) **“Specified sexual activities”:**
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse, or sodomy, whether actual or simulated;
 - c. Fondling or other touching of human genitals, pubic region, buttock, or female breast.
- (4) **“Specified anatomical areas”:**
 - a. Less than completely and opaquely covered – human genitals or pubic region; buttock; female breast below a point immediately above the top of the areola;
 - b. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

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(5) **“Special cabarets”:** Any bar, dance hall, or other place of business at which food or beverages, alcoholic or non-alcoholic, are served which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or any such establishment with advertising for, or a sign or signs identifying which, uses the words, “adult,” “topless,” “nude,” or other words of similar import.

(b) Location standards.

- (1) It shall be unlawful to locate any adult bookstore, adult theater, or special cabaret within five hundred (500) feet of any residentially zoned area in the City.
- (2) It shall be unlawful to locate any adult bookstore, adult theater, or special cabaret within one thousand (1,000) feet of any church, synagogue, or other place of worship, school, library, public recreation (community) center, or Temple Terrace City Hall.
- (3) It shall be unlawful to locate any adult bookstore, adult theater, or special cabaret within one thousand (1,000) feet of any other such regulated use.
- (4) Distances shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel.
- (5) Nothing in this Subsection shall be construed to permit the operation of any business or the performance of any activity prohibited under any other Section of this Code.

(c) Annexed lands.

No adult bookstore, adult theater, or special cabaret may be established upon any property annexed into the municipal limits of the City until such time as the City has established valid zoning regulations for the annexed property. After the zoning of the property, the provisions of this Subsection shall govern the establishment of adult bookstores, adult theaters, or special cabarets.

(Ord. No. 346, 8-16-77; Ord. No. 726, 4-17-90)

**Section 25.750.9 HISTORICAL AND ARCHITECTURAL PRESERVATION.
RESERVED**

**Section 25.750.10 STANDARDS FOR MANUFACTURED HOUSING.
RESERVED**

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Section 25.755 SWIMMING POOLS.

Section 25.755.1 DEFINITIONS.

As used in this Section, unless the context otherwise indicates, a swimming pool shall mean structures designed to contain a body or bodies of fresh water for swimming, wading or other recreational purposes, not available for general public use or owned by social clubs.

Section 25.755.2 GENERAL REQUIREMENTS.

No swimming pool shall hereafter be built or constructed except in conformity with the provisions of this Chapter. Swimming pools already in existence, or in the process of being constructed, shall conform to the health and safety requirements hereafter set forth under the penalties hereafter provided.

Section 25.755.3 INLETS AND DRAINS.

Inlets and drains to pools shall be arranged so as to get effective and uniform circulation of the incoming water throughout the pool. A main drain shall be provided at the deepest end of the pool.

Section 25.755.4 SCUM GUTTER.

All residential swimming pools shall have a minimum requirement of a scum gutter or skimmer at one end or side. A minimum length of ten feet shall be required for any scum gutter, and it shall have a smooth hand finish, or tile.

A two (2) inch drainpipe shall be employed for every scum gutter drain. Drains shall be spaced at intervals of not less than 11 feet and shall have a pitch of one-eighth inch per foot.

Section 25.755.5 MECHANICAL EQUIPMENT.

Electric motor driven pumps shall be well ventilated. Pumps may be installed aboveground or may be installed in a pit on condition that the pit is provided with appropriate drain line to adequate absorption pit, storm sewers, Hillsborough River or other positive outfall facilities.

Section 25.755.6 SUPPLY AND DISPOSAL OF WATER.

No swimming pools are to be drained into a disposal well unless such well has been approved by the Florida State Board of Health and constructed in accordance with the State's requirements. A well permit must be obtained from both the Board of Health and the City of Temple Terrace.

Drainage of swimming pools may be into the Hillsborough River, storm sewers, an absorption pit or other positive outfall facilities. Facility for pool drainage shall be subject to approval of the building inspector.

Section 25.755.7 STRUCTURAL REQUIREMENTS.

All swimming pools shall be designed and constructed in accordance with accepted engineering structural principles taking into account all soil and ground water conditions of the site on which the pool is to be located.

Design and sanitation requirements shall meet the requirements of, and be approved by, the appropriate department of the State of Florida having jurisdiction before being submitted to the City of Temple Terrace for a permit.

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Section 25.755.8 SETBACKS AND GROUND (LOT) COVERAGE.

Except as otherwise may be provided as Zoning Standards in other parts of this Chapter:

- (a) Swimming pools, patios, decks and other outdoor living areas, including screened enclosures, not having a roof impervious to weather, may be located within a rear yard; provided that no such allowed uses shall be located nearer than five (5) feet to any property line.
- (b) An additional setback from the lot line of one (1) foot shall be required for each one (1) foot of enclosure height not having a roof impervious to weather that exceeds eleven (11) feet. See Section 25.710.4, “Accessory Uses, Buildings, or Structures” for additional information. (*Ord. No. 770, 3-5-91*)
- (c) The total ground coverage of all principal and accessory structures shall not exceed forty-seven and one-half percent (47.5%) of the lot or lots’ area. Ground coverage calculations shall include all structures, pools, decks, driveways, walkways and pads for recreational or decorative use.

Section 25.755.9 FENCING OR SAFETY BARRIER.

Any pool hereafter constructed shall have a safety barrier as hereafter provided:

- (a) The safety barrier shall take the form of a screened-in patio, a wooden fence, a wire fence, a rock wall, a concrete block wall or other materials, so as to enable the owner to blend the same with the style of architecture planned or in existence on the property.
- (b) The minimum height of the safety barrier shall not be less than four (4) feet.
- (c) The safety barrier shall be erected either around the swimming pool or around the premises on which the swimming pool is erected; in either event, it shall enclose the area entirely, prohibiting unrestrained admittance to the enclosed area; excepting that those premises abutting on a waterway shall not require a barrier along that side which is parallel with the waterway.
- (d) Gates shall be of the spring lock type, so that they shall automatically be in a closed position at all times.
- (e) Gates shall also be equipped with an adequate lock and shall be locked when the swimming pool is not in use.
- (f) If the wooden type fence, the boards, pickets, louvers or other such members shall be spaced, constructed and erected so as to make the fence non-climbable and impenetrable.
- (g) Walls, whether of the rock or block type, shall be so erected as to make them non-climbable.
- (h) Wire fences shall be the two (2) inch chain link or diamond weave non-climbable type, or of an approved equal with top rail. They shall be of a heavy, galvanized material.
- (i) It shall be within the discretion of the building inspector of the City to refuse approval of any barrier which, in his opinion, does not furnish the safety requirements of this regulation; i.e., that it is high enough and so constructed to keep the children of preschool age from getting over or through it.
- (j) The erection or construction of a safety barrier shall not apply to those pools which are fillable to no greater depth than thirty (30) inches.

Any owner or owners of any swimming pool already in existence, or in the process of being constructed, shall within thirty (30) days from the effective date of this Chapter, erect a safety barrier in accordance with the description appearing in Section 25.755.9.

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Section 25.755.10 HAZARDS OF SWIMMING POOLS AND THEIR CONTROL.

It shall be the duty and responsibility of the owner or custodian of a swimming pool to maintain it, and the safety barrier, in proper and safe condition. If at any time it shall be determined by the building inspector, City Manager, or other person who may hereafter have the responsibility of supervising swimming pools, that a swimming pool in the City is so operated and maintained as to constitute a hazard to the health, safety and welfare of the citizens of the City, or that the safety barrier had not been so maintained as to serve its purpose, the City Manager, building inspector or other appropriate official, by direct personal delivery or certified mail of a citation, shall call to the attention of the owner or custodian of the pool the nature of the hazard or health menace, calling upon and requiring correction of the same within three (3) days from the receipt date of said notice. Should such owner or custodian fail to obey such directions, the penalties for violation of this Chapter as hereafter specified shall be invoked, including Section 25.315. If an owner or custodian of the swimming pool creating a hazard to the health, safety, and welfare cannot be located, or if such swimming pool appears abandoned or is located in conjunction with an uninhabited residence, the agents or employees of the City shall have the right of immediate entry upon the real property upon which such swimming pool is located to remove, terminate, or abate a hazard or health menace and such agents or employees shall be immune from prosecution, civil or criminal, for trespass upon such real property upon which swimming pool is located while in the discharge of their duties in removing, terminating or abating a hazard or health menace, and paying the reasonable cost thereof shall constitute a lien against the real property upon which such swimming pool is located. (*Ord. No. 860, 2-15-94*)

Section 25.755.11 PENALTIES.

Any person or persons, and the members of any firm, partnership, corporation, association or other organization or any combination thereof who shall violate any one or more of the provisions of any Section of this Chapter shall upon conviction be punished as provided by Section 1.145 of the City Code of Ordinances. Each day's violation of any of the terms of this Chapter shall be deemed and considered and is hereby specially declared to be a separate and distinct violation of the terms of this Chapter and punishable as such. (*Ord. No. 67, 3-15-60; Ord. No. 725, 4-17-90*)

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Section 25.760 VEHICLES: USE AREAS; FACILITY STANDARDS AND RESTRICTIONS.

Section 25.760.1 PURPOSE AND SCOPE.

(a) Section 25.760 presents: design and construction standards for vehicular use areas; vehicular oriented facilities; and certain restrictions against parking commercial vehicles in residential areas.

(b) This Section is intended to consolidate all information on design and construction standards pertaining to vehicular uses and facilities as those subjects relate to development projects and activities.

(c) This Section includes the following Subsections and elements:

- Parking on residentially-zoned property
 - Off-street loading and parking facilities
 - Access and circulation
 - Provisions for off-street loading facilities
 - Off-street parking required
 - Design and construction standards for parking lots
 - Required landscaping in off-street parking areas (cross reference)
 - Standards for drive-up facilities
 - Commercial vehicle restrictions in residential districts
 - Use of residentially zoned property for parking or access
 - Inoperative vehicles prohibited
- (Ord. No. 1034, 12-5-00)*

Section 25.760.2 PARKING ON RESIDENTIALLY-ZONED PROPERTY.

Except as provided in Section 25.760.11 and Section 25.750.3, all non-commercial vehicles may be parked only under the following conditions, otherwise, they are prohibited from residentially zoned districts.

(a) Vehicles shall be parked on a permanent, durable, stabilized and dustless surface meeting the following requirements:

- (1) A hard-surfaced driveway which shall consist of concrete, asphalt, brick, paving stones, block pavers such as Turf Block or comparable, gravel contained by appropriate border material, or other similar hard surface material;
- (2) Adjoined to a required driveway that provides access to a garage, carport or other approved parking area; or
- (3) An approved circular driveway or other irregularly-shaped parking area.

(Ord. No. 1034, 12-5-2000; Ord. No. 1087, 4-1-2003)

Section 25.760.3 OFF-STREET PARKING AND LOADING FACILITIES.

Section 25.760.4 ACCESS AND CIRCULATION.

(a) All off-street vehicular facilities shall be designed to have adequate access to a street or alley and in the case of parking facilities shall have adequate access to interior maneuvering areas. New parking facilities shall be arranged so that no vehicle shall be required to back from such facilities directly onto a public street. All driveways and curb cuts shall conform to the standards and specifications established by the City of Temple Terrace.

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(b) In addition to the applicable City ordinances and standards, whenever vehicular entrances and exits connect to a state or federal road, the number, size and distance between entrances and exits and the specified design thereof shall comply with the established standards and requirements of the State of Florida Department of Transportation (FDOT). Approval of curb cuts from FDOT shall be obtained prior to submittal of final site plans when curb cuts are planned connecting developments to a state operated and maintained road.

(c) Dead end drive aisles within parking lots shall be provided with “T” type turn-around facilities.

(d) Parking spaces shall not be located so that vehicles backing out interfere with vehicles entering from roadways causing off-site stacking, unless a separate off-site turn lane is provided.

Section 25.760.5 PROVISIONS FOR OFF-STREET LOADING FACILITIES.

(a) Provisions for every non-residential structure or use hereafter erected or created. There shall be provided and maintained adequate space for loading and unloading of materials, goods or things and for delivery and shipping, so that vehicles for these services may use this space without encroaching on or interfering with the public use of sidewalks, parking lots, streets and alleys.

(b) Effects of expanding existing businesses. Where any non-residential structure is enlarged or any use is extended so that the size of the resulting occupancy comes within the scope of this Section, the full amount of off-street loading space shall be supplied and maintained for the structure or use in its enlarged or extended size. Where the use of a structure or land, or any part thereof, is changed to a use requiring off-street loading space under this Section, the full amount of off-street loading space shall be supplied and maintained to comply with this Chapter.

(c) Design standards. For the purpose of this Section, an off-street loading space shall be an area at grade level at least ten (10) feet wide by twenty-five (25) feet long with fourteen (14) feet of vertical clearance. Each off-street loading space shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space, and arranged for convenient and safe ingress and egress by motor truck and/or trailer combination. Such loading space shall be accessible from the interior of any building it is intended to serve.

(1) Off-street loading spaces shall be provided and maintained in accordance with the following schedule:

a. For each store, market, restaurant, mortuary, laundry, dry cleaning establishment or similar use which has an aggregate gross floor area of:

<u>Area</u>	<u>No. of Spaces</u>
Over 5,000 sq. ft., but not over 25,000 sq. ft.	1
Over 25,000 sq. ft., but not over 60,000 sq. ft.	2
Over 60,000 sq. ft., but not over 120,000 sq. ft.	3
Over 120,000 sq. ft., but not over 290,000 sq. ft.	4
Plus for each additional 90,000 sq. ft. over 290,000 sq. ft. or major fraction thereof	1

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- b. For each auditorium, convention hall, exhibition hall, museum, motel, office building, welfare institution or similar use which has an aggregate, gross floor area of over ten thousand (10,000) square feet but not over forty thousand (40,000) square feet, one space; plus one space for each additional sixty thousand (60,000) square feet over forty thousand (40,000) square feet or major fraction thereof;
 - c. For any use not specifically mentioned in this Section, the requirements for off-street loading for a use which is mentioned and to which the unmentioned use is similar, shall apply.
- (2) Off-street loading facilities supplied to meet the needs of one use shall not be considered as meeting the off-street loading needs of any other use.
 - (3) No area or facilities supplied to meet the required off-street parking facilities for a use shall be utilized for, or be deemed to meet, the requirements of this Section for off-street loading facilities.
 - (4) It is encouraged that joint or combined provisions of off-street facilities for two (2) or more buildings or uses, provided that such off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.
 - (5) Plans for buildings or uses requiring off-street loading facilities under the provisions of this Section shall clearly indicate the location, dimensions, clearances and access of all such required off-street loading facilities.

Section 25.760.6 OFF-STREET PARKING REQUIRED.

(a) Every building, use or structure, instituted or erected after the effective date of this Section shall be provided with off-street parking facilities in accordance with the provisions set forth herein for the use of occupants, employees, visitors or patrons.

(b) Such off-street parking facilities shall be maintained and continued as an accessory use as long as the principal use is continued.

(c) “Grandfathering provisions.” See “Nonconforming Development – Article VIII.”

(d) It shall be unlawful for an owner or operator of any building, structure or use affected by this Section to discontinue, change or dispense with, or to cause the discontinuance or reduction of the required parking facilities apart from the discontinuance, sale or transfer of such structure or use, without establishing alternative vehicle parking facilities which meet the requirements of this Section. It shall be unlawful for any person, firm, or corporation to utilize such building, structure, or use without providing the off-street parking facilities required by this Section.

(e) Collective provisions for, or joint use of, off-street parking facilities for two (2) or more uses or buildings, or for two (2) or more uses within a single building or business, or by two (2) or more owners or operators shall be encouraged; provided, that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this Section; and further provided that no part of an off-street parking area required for any building or use shall be included as a part of an off-street parking area similarly required for another building or use.

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(f) Off-street parking facilities supplied by the owner or operator to meet the requirements of this Section shall not be used by commercial vehicles over one and one-half (1-1/2) tons owned, operated and used in the business of such owner or operator during regular hours of business.

Section 25.760.7 DESIGN AND CONSTRUCTION STANDARDS FOR PARKING LOTS.

(a) General.

Except in single – or dual – family residential uses on individually platted lots, this Section shall establish the minimum requirements for off-street vehicular parking facilities, including, but not limited to those for automobiles, trucks, boats or heavy construction equipment, self-propelled or not, and for all other property which is used primarily for vehicles to traverse as a function of the primary use (hereinafter referred to as “other vehicular uses”), including, but not limited to, “drive-thru” facilities.

(b) Standards.

(1) All off-street parking areas shall conform to the following requirements:

- a. They shall be surfaced so as to provide a durable, stabilized and dustless surface; and
- b. They shall be graded and designed to dispose of surface water; and
- c. They shall be subject to City inspection and design approval.
- d. No off-street parking area shall be placed in a dedicated or official right-of-way.
- e. Off-street parking areas in excess of five (5) spaces under common ownership shall have individual spaces marked.
- f. Off-street parking areas shall be designed with wheel stops, guards or similar devices properly anchored or secured to prevent vehicles from overhanging into public rights-of-way, sidewalks or planting areas.
- g. All off-street parking areas shall be used for vehicular parking only and not for sales, dead storage, repair work, dismantling or servicing of any kind. The required off-street parking areas in the various districts shall be in addition to the loading spaces normally required for the business or office served.
- h. Unless otherwise provided by ordinance, off-street vehicular parking shall be provided on the same lot or premises, with the business or office to which it is appurtenant.

(2) Standard dimensions.

Each off-street parking space, except for compact vehicles and handicap use, shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet.

(3) Handicapped spaces.

Parking spaces for the handicapped shall be provided in accordance with the standards and requirements of the Florida Accessibility Code for Building Construction. (*Ord. No. 1007, 11-2-99*)

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- (4) Compacts.
- a. Space dimensions. Where compact car spaces are permitted, they shall be a minimum width of eight (8) feet and a minimum length of sixteen (16) feet.
 - b. Standard-compact ratio. In any parking area of ten (10) or more spaces under common ownership, the percentage of compact car spaces shall not exceed twenty (20) percent of the required number of spaces.
 - c. Compacts defined. For the purpose of this Section, compact car shall mean an automobile which has a width of seventy-two (72) inches and a length of one hundred eighty-six (186) inches or less. Said compact car spaces shall be clearly designated for “Compact Cars Only.”
 - d. Compact space design. The placement of compact car spaces within a parking area shall be designed in accordance with City parking design standards. In no case will extension of the vehicle be permitted over the sidewalk.

- (5) Spaces required.

The minimum off-street parking requirements are as follows:

- a. Bowling alleys: Five (5) parking spaces for each alley, plus one additional space for each two (2) employees;
- b. Business, professional, financial and governmental offices: One parking space for each four hundred (400) square feet of floor space; (*Ord. No. 1104, 12-2-03*)
- c. Churches: One parking space for each four (4) seats in the auditorium or chapel area, not including Sunday school classrooms;
- d. Dwellings, single-family: Two parking spaces for each dwelling unit; plus one-half (1/2) space for each bedroom in excess of two (2), rounding up for the total number of spaces. On individually platted lots, all on-site parking shall be on a City approved impermeable or semi-impermeable surface;
- e. Dwellings, multi-family: Two (2) parking spaces for each dwelling unit; plus one (1) additional parking space for each three (3) bedroom unit that exceeds thirty (30) percent of the total number of dwelling units. Four (4) parking spaces for each four (4) bedroom dwelling unit. *Ord. No. 1007, 11-2-99*)
- f. Space for the parking of one automobile shall be provided upon the lot of each townhouse dwelling.
- g. Elementary schools, public, private or parochial: One parking space for each classroom, plus one-half (1/2) of the additional parking spaces for rooms used for public assembly as otherwise required by this Section;
- h. Funeral home or undertaking establishment: One parking space for each four (4) seats in public rooms, plus one additional space for each two (2) employees.

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- i. Junior and senior high schools and colleges, public, private or parochial: One parking space for each classroom plus one parking space for each ten (10) students, or one-half (1/2) of the additional parking for rooms used for public assembly as otherwise required by this Section, whichever may be greater;
 - j. Medical, dental, chiropractic, etc., clinics (separate buildings): Four (4) parking spaces for each doctor.
 - k. Service stations: Service stations with bays for wheel alignment, tire service, wash racks, or similar vehicular services shall provide one parking space for each with one-half (1/2) the same requirement for bay areas;
 - l. Motels: One parking space for each guest room or rental unit, plus one additional space for each two (2) employees;
 - m. Places of public assembly, including assembly halls, exhibition halls, convention halls, billiard halls, dance halls, skating rinks, sports arenas, community centers, libraries and museums: One parking space for each five (5) seats, or one parking space for each two hundred (200) feet of gross floor area, whichever may be greater;
 - n. Restaurants and/or lounges: One parking space for each four (4) seats in the rooms for customer service, plus one additional space for each two (2) employees;
 - o. Retail stores, personal service shops, household repair or equipment shops, interior decoration shops: One (1) parking space for each three hundred (300) square feet of floor space;
 - p. Uses not specifically mentioned: The requirements for off-street parking for any uses not specifically mentioned in this Section shall be the same as provided in this Section for the use most similar to the one sought.
- (6) Parking stall and aisle dimensions: parking stall and aisle dimensions shall conform to the following “Minimum Parking Dimensions.”
- a. Regular car off-street parking stall layout:

<u>Dimension</u>	<u>Diagram</u>	<u>0</u>	<u>45</u>	<u>60</u>	<u>75</u>	<u>90</u>
Stall width, parallel to aisle	A	9.0	12.7	10.4	9.3	9.0
Stall length of line	B	24.0	24.5	21.4	19.5	18.0
Stall depth to wall	C	9.0	17.0	18.5	19.0	18.0
Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0
Stall depth, interlock	E	9.0	14.8	17.0	18.3	18.0
Module, wall to interlock	F	30.0	43.8	51.5	59.3	60.0
Module, interlocking	G	30.0	41.6	50.0	58.6	60.0
Module, interlocking to curb face	H	30.0	41.8	49.4	56.9	58.0
Bumper overhang (typical)	I	0.0	1.5	1.8	2.0	2.0
Offset	J	---	6.3	2.7	0.5	0.0
Setback	K	24.0	11.0	8.3	5.0	0.0
Cross aisle, one-way	L	18.0	18.0	18.0	18.0	18.0
Cross aisle, two-way	--	24.0	24.0	24.0	24.0	24.0

*See diagram on next page

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b. Compact car parking stall layout:

<u>Dimension</u>	<u>Diagram</u>	<u>0</u>	<u>45</u>	<u>60</u>	<u>75</u>	<u>90</u>
Stall width, parallel to aisle	A	8.0	11.3	9.2	8.3	8.0
Stall length of line	B	22.0	24.0	20.5	18.2	16.0
Stall depth to wall	C	8.0	17.0	17.8	17.6	16.0
Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0
Stall depth, interlock	E	8.0	11.7	14.3	16.0	16.0
Module, wall to interlock	F	28.0	43.2	48.1	53.3	56.0
Module, interlocking	G	28.0	43.2	48.1	53.3	56.0
Module, interlocking to curb face	H	28.0	43.2	48.1	53.3	56.0
Bumper overhang (typical)	I	0.0	1.5	1.8	2.0	2.0
Offset	J	0.0	5.7	2.3	0.6	0.0
Setback	K	22.0	11.3	8.0	4.1	0.0
Cross aisle, one-way	L	18.0	18.0	18.0	18.0	18.0
Cross aisle, two-way	--	24.0	24.0	24.0	24.0	24.0

*See diagram below

MINIMUM PARKING DIMENSIONS

***DIAGRAM**

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- (7) Bicycle parking shall be required for all uses, excluding single-family residential. In residential developments, bicycle parking will be required for all on-site common use and recreational areas. The location, type and quality of bicycle racks or lockers shall be determined by the City Engineer.

Section 25.760.8 REQUIRED LANDSCAPING IN OFF-STREET PARKING AREAS.

(See “Landscaping and Buffering” Section of this Article)

Section 25.760.9 STANDARDS FOR DRIVE-UP FACILITIES.

(a) In recognition of the unique character of drive-thru facilities and the increased frequency of vehicular movement onto and from the site which said uses are designed to generate, it shall be the objective of this Section to guide the location and development of said uses in a manner best deemed to serve public safety and welfare. To this end, the following additional requirements shall be applied in reviewing any proper use having drive-thru facilities.

- (b) No drive-thru facility shall be permitted in the following cases:
- (1) When the proposed property does not have direct access to a major arterial street.
 - (2) When the straight-line distance between any point on the proposed property and any point on the property occupied by a church, public school, or public library having its primary access to the same street, is five hundred (500) feet or less, unless no undue vehicular traffic is reasonably likely to occur as a result of the approval of the proposed use.
 - (3) Driveways (curb cuts): There shall be no more than one (1) driveway for each one hundred (100) feet, or major fraction thereof, or lot frontage on any street. Driveways shall be separated by at least fifty (50) feet where they occur or a single property or on adjacent properties shared by adjacent properties. Driveway cuts shall not be over forty-two (42) feet in width at the street line. Measured along the street line, driveways shall be at least fifteen (15) feet from the side or rear property line. On a corner lot, all driveways shall be at least fifty (50) feet from the intersection of the street right-of-way lines or from the intersection of said lines extended. Driveway access to a minor street providing access primarily to a residential area shall be permitted only if such driveway access may be provided without creating vehicular traffic congestion or a hazard to pedestrian traffic.
 - (4) Where deemed desirable, a proposed drive-thru facility shall be required to coordinate the location and design of its driveways and curb cuts in accordance with the intent and objectives of this Section.
 - (5) Drive-thru facilities defined: Any building, structure or portion thereof designed or used with a window or other opening in the wall of a principal or accessory structure through which goods or services are provided directly to customers who remain in motor vehicles thereby eliminating the need for such customers to exit the vehicle. This definition shall include, but not be limited to, drive-thru restaurants, banks, laundry or dry cleaning establishments and other uses of a similar nature; they shall also include facilities known as “take-out.”

(Ord. No. 532, 12-4-84; Ord. No. 734, 5-1-90)

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Section 25.760.10 COMMERCIAL VEHICLE RESTRICTIONS IN RESIDENTIAL DISTRICTS.

(a) Except as provided in Subsection (b) below, all “commercial vehicles,” including self-propelled vehicles with or without trailers, having a weight class of one (1) ton or more individually, or combined, and all commercial trailers, are prohibited from parking in any residential zoning district (street or lot).

(b) The parking of a commercial vehicle in a residential zoning district (street or lot), is permitted, provided that:

- (1) Said commercial vehicle is standing on a temporary basis for the purpose of loading or unloading; or
- (2) Said commercial vehicle is providing other services common to residential areas; or
- (3) Said commercial vehicle, or combination of vehicle and trailer, does not exceed a weight class of one (1) ton; or
- (4) Said commercial vehicle is parked within a fully enclosed structure AND such parking is APPROVED by the City Council, after notification is given to adjacent residents and a public hearing is held. (*Ord. No. 855, 12-7-93*)

Section 25.760.11 USE OF RESIDENTIALLY ZONED PROPERTY FOR PARKING, ACCESS OR DRAINAGE FACILITIES.

Any property zoned R-10, R-7.5 or R-MF may be used for off-street parking to serve commercial uses for location of a driveway, walkway, access, or drainage facilities adjacent to any land that is not zoned R-10, R-7.5 or R-MF; provided that the City Manager, or his designee, has reviewed and approved a site plan which shall comply with the following requirements:

(a) The property to be utilized for off-street parking shall be immediately contiguous to the commercial use it is intended to serve, which use shall be located and wholly within a commercial zoning district (which for the purpose of this section shall include a C-O, Commercial Office, zoning district), and shall be a permitted use within said zoning district. The off-street parking facility shall not extend further than one hundred (100) feet as measured along the street on which it fronts, exclusive of footage utilized for landscaping and screening purposes, from the commercial district, nor beyond an intervening public street right-of-way. No such parking facility shall be permitted which, by its establishment, will leave additional land or property in nonconformance or further nonconformance with the provisions of the zoning district in which it is located; (*Ord. No. 943, 7-15-97*)

(b) Property utilized for off-street parking facilities serving the business or professional use within the adjacent commercial district shall not itself be used for any other business purpose and no outside storage of any type shall be permitted on said property;

(c) No improvements shall be placed on said property other than paving or an approved surfacing for parking purposes, drainage facilities, and appropriate landscaping and buffering improvements;

(d) No vehicle other than passenger cars, or trucks of three-quarter (3/4) ton capacity or less shall be permitted to park on said property and no overnight storage of vehicles shall be permitted;

(e) All parking areas shall be of an approved surface;

(f) Vehicle ingress and egress to the parking area and any associated drainage facilities shall be through the related property within the commercial district;

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(g) The off-street parking area and any associated drainage facilities shall be fully screened at its boundary from all adjacent lines abutting property used for residential purposes in a residential zoning district, by a solid buffer or landscaped buffer, except that this provision shall not apply to a boundary line immediately adjoining an area utilized for off-street parking in accordance with this Section. Land between the building line and the property line bordering the street right-of-way shall be landscaped and continuously and properly maintained with an adequate, functional, automatic sprinkler system. The proposed solid buffer or landscape buffer shall be subject to review and approval in accordance with site specific procedures. In addition to the other criteria, City Council shall consider compatibility of the proposed buffer with the development for which buffer is required and the surrounding area;

(h) Any lights used to illuminate such off-street parking areas shall face directly toward the business and away from adjoining residential district property;

(i) No signs above six (6) feet shall be erected within any such area.

(Ord. No. 420, 4-8-81; Ord. No. 618, 6-2-87; Ord. No. 734, 5-1-90; Ord. No. 1197, 1-17-07)

Section 25.760.12 INOPERATIVE VEHICLES PROHIBITED.

The outdoor storage of inoperative vehicles is hereby expressly prohibited in any residential zoning district. (See also Section 25.750.4, “Neighborhood Preservation Standards” regarding inoperative vehicles.)

Section 25.760.13 TRAVEL TRAILERS – RESTRICTIONS AND STANDARDS.

See Section 25.750.3, “Neighborhood Preservation Standards” regarding travel trailers. *(Ord. No. 420, 4-7-81; Ord. No. 734, 5-1-90)*

Section 25.760.14 DESIGN GUIDELINES AND STANDARDS FOR ON-SITE ROADWAY DESIGN.

(a) General.

- (1) Guidelines are not precise mandates. However, the principles, concepts, parameters, or policies embodied therein shall not be ignored in traffic circulation design where site size and building setbacks permit their employment. As the size of development increases, the internal circulation system will require an increasing range of hierarchical facilities including: local parking aisles, building perimeter roads, collectors, access roads and ring road arterials.
- (2) Standards provided herein are considered minimums and must be met or exceeded in all new site plan designs.
- (3) When existing non-conforming developments undergo major modifications, reorganizations, or renovation, these guidelines and standards must be adopted and/or incorporated into all existing parking lots, parking areas, and on-site roadways to the maximum extent practical, consistent with maintaining an adequate number of parking spaces and physical constraints.
- (4) All new developments and significantly modified existing developments are subject to site plan review and approval by the City Council.

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(b) Definitions. For purposes of this Section, and to facilitate understanding and planning adequate traffic circulation, the following definitions apply:

- (1) Very large developments. Sites consisting of office parks, apartment complexes, or regional shopping malls containing 80 acres or more (3.5M sq. ft.) with building gross leasable area (GLA) of 1.2M sq. ft. and the remainder of the site devoted to open space, roadways, parking and landscaping. These developments usually include the full range of circulation elements. Driveways are the functional equivalent of an arterial street. Signalized intersection with an arterial street is justified.
- (2) Large developments. Developments with building GLA of 500,000 sq. ft. or more on sites exceeding 40 acres where the ratio of building footprint to total site area is approximately 1:3. The full range of traffic circulation elements is usually present.
- (3) Community shopping centers. Community shopping centers are moderately sized developments of approximately 250,000 sq. ft. GLA on about 24 acres. Building perimeter roads are usually present.
- (4) Neighborhood shopping centers. Shopping centers of approximately 150,000 sq. ft. GLA.
- (5) Strip commercial. Commercial sites with depths of 110' or less and building setbacks usually 70-80'.
- (6) Small shopping areas. Shopping areas with 100,000 sq. ft. GLA or less.
- (7) Small traffic generators. "Neighborhood Shopping Centers," "Strip Commercial" sites and "Small Shopping Areas" usually qualify for direct access to collector roadways, but not arterials. An intermediate collector road, service road, or cross access/cross parking agreement should be used to combine the traffic flows from several commercial developments to justify an intersection with an arterial street.
- (8) Very small generator. Small stand-alone facilities, such as a convenience store or a bank, which have on-site circulation systems equivalent to a local access street; the driveway is the equivalent of nothing more than a collector.

(c) Guidelines.

- (1) A concept of hierarchical circulation shall be designed into the internal circulation system of the site similar to the function hierarchy of public roads: refer to schematic.

As the size of a development increases, the internal circulation system will require an increasing range from the hierarchy facilities. A large commercial or industrial development will incorporate the entire spectrum of functional facilities. Smaller developments will include a more limited range of functional facilities. For example, the aisles leading to individual parking spaces (vehicle terminal) become the equivalent of the local access streets. Some parallels between public streets and on-site circulation are:

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Classification of public street

Comparable internal circulation

Local	Aisle within parking lot.
Minor collector	Circulation aisles at end of parking rows. Access drive of small stand-alone business.
Major collector	Circulation road connecting parking spaces within a large development. Access drive of a moderate-size development such as a community shopping center.
Minor arterial	Access drive of a large development.
Major arterial.	Access drive to a very large mixed-use development or a regional/super-regional shopping center.

The design standards for on-site circulation roadways should be similar to those of public streets for the same operating speeds. However, operating speeds on the on-site facilities generally will be lower than the comparable class of public street.

- (2) Large commercial, office, retail and industrial sites should incorporate a major collector/distributor roadway which interconnects the access drives with the individual parking areas.
- (3) Ring roads should be used on large and very large developments to provide primary on-site circulation, and to discourage use of the building perimeter roadway for movement from one part of the site to another.
- (4) Traffic circulation and pedestrian patterns should be such that all customers cross the building perimeter road as pedestrians, moving between the parking stalls and the buildings.
- (5) Tangent or long radius sections of building perimeter roads should be less than 400 feet.
- (6) Minimum inside radii on building perimeter roads (measured back of curb) should be between 30 and 50 feet.
- (7) All building perimeter roadways should be designated as fire lanes so that no-stopping/no-parking rules can be enforced, emergency vehicles have direct access to the building, and so that parked cars do not interfere with the visibility of pedestrians about to cross the perimeter roadway.
- (8) Landscaping, not curb height, should be used for the delineation of on-site circulation features and to discourage drivers from traversing designated areas. Therefore, four-inch, or other low profile curbs, may be used on ring and perimeter roads and other on-site circulation treatment. Six-inch curbing will be used only when essential for surface drainage.
- (9) Tee (three-way) intersections should be used for on-site design in order to minimize conflicts and simplify maneuver areas.
- (10) In neighborhood centers and other small traffic generators, the size of the site commonly requires that the parking bays be parallel to the building.

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- (11) Over-the-sidewalk delivery should be used only as an auxiliary method.
- (12) Where large developments are involved, one of two basic layouts should be used:
 - a. Locate the buildings at least 500 feet back from the street. This will provide a throat length of 250 feet, which is necessary for a high capacity access drive and adequate parking bay lengths between the ring road and the building face.
 - b. Orient the long dimension of linear developments perpendicular to the arterial. This will provide for long signalized access spacing and good on-site circulation.
- (13) Parking and circulation considerations for drive-thru facilities include:
 - a. Separation of the drive-thru traffic from the other site traffic and parking.
 - b. Clear identification and delineation between the drive-thru and parking lot circulation.
 - c. Provision for adequate queue storage that prevents queue interference with pedestrian or other vehicular movement.
 - d. Provision of an “escape” route.
 - e. For fast food restaurants, the distance between the order board and the pickup window should be sufficient to store four cars, not including cars at the board and window.
- (d) Standards.
 - (1) Access locations and design standards including throat width, curb return radii, and median channelizations shall be in accordance with Florida Department of Transportation (FDOT) standards, as supplemented by standards of the Institute of Transportation Engineers (ITE) when there is no conflict.
 - (2) Roadways along the perimeters of buildings shall be limited to circulation at the end of parking rows or bays, customer pickup and drop-off, and emergency access to the building.
 - (3) Roadways adjacent to the building shall have an uninterrupted length of no more than 400 feet to discourage high vehicular speeds and volumes, and pedestrian-vehicular conflicts.
 - (4) The installation of speed bumps or speed humps is prohibited.
 - (5) Minimum width of the perimeter roadway shall be 27 feet between the face of the curb on the sidewalk adjacent to the building and the face of end island curbs. The maximum width shall not exceed 29 feet to discourage stopping and parking.
 - (6) In large developments, the primary parking shall be oriented with the parking bays perpendicular to the building face. Where building setbacks permit, moderate size developments shall also incorporate this standard.

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- (7) Parking adjacent to the building is prohibited except on small generator parking lots, where parking turnover is very low, and for handicapped parking.
- (8) Parking aisles should not exceed 300 feet without a break in circulation. This facilitates customer utilization and helps to eliminate high speeds.
- (9) End islands shall be used to delineate the on-site circulation roadway at the edge of the parking lots or bays and to protect autos parked at the end of each row or bay from turning vehicles.
- (10) End Islands shall be curbed and landscaped.
- (11) Curbs which serve as wheel stops shall not exceed four inches in height.
- (12) Paved overhangs of 2.5 feet shall be constructed in connection with curbing at the closed end of parking stalls when landscaping is present and individual bumper stops are not used. This avoids trampled and burned-out landscaping.
- (13) Ring roads, perimeter roads, and access drives shall be curbed.
- (14) Parking lot separators shall be curbed and landscaped.
- (15) On-site parking facilities containing twenty-five (25) or more parking spaces shall install and maintain traffic control devices in accordance with the Manual of Uniform Traffic Control Devices as adopted by the Department of Transportation pursuant to Florida Statutes 316.0745.

(Ord. No. 863, 3-15-94)

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(Insert Onsite Traffic Circulation and Roadway Design schematic) – not currently in electronic format.

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Section 25.765 SIGNS AND ADVERTISING.

Section 25.765.1 PURPOSE.

It shall be the purpose and general intent of this Section to regulate signs and similar structures within the City; to provide for their appropriate use and location in a manner which will not adversely affect property values, compatibility of land use, community appearance and identity, and to otherwise promote the general welfare, public safety, convenience and order of the City; to supplement and further accomplish the purposes of the zoning code and building code of the City; to provide for the revocation of sign permits, the annual inspection of signs, identification of signs, the responsibility for maintenance of signs, and procedures to be followed for the removal of any sign which is in violation of, or non-conforming with, the intent and purpose of this Chapter, and to provide for the abatement of any nuisance attributed to any sign within the City.

This Section, together with future amendments thereof, shall be known and may be cited as the “City of Temple Terrace Sign Ordinance.”

Section 25.765.2 CALCULATING “THE AREA OF A SIGN.”

The area of a sign shall be computed to include the entire area within a sign, whether such sign is a parallelogram, triangle, circle or semi-circle, including all of the display area of one side and any part of the surface of any cornice, hood, awning, wall or similar ornamental or structural feature that blends with the sign in such a manner as to appear to be the background of the sign, and including all of the elements of the matter displayed, regardless of the angle at which such sign is placed in relationship to the building frontage; provided, however, that the area of a wall sign shall be computed to include only the area in which characters, letters, illustrations, insignia or logos are depicted, together with all of the area encompassed by an imaginary border extending in all directions around said characters, letters, illustrations, insignia or logos for a distance equal to one-fourth (1/4) of the size of the largest of said characters, letters, illustrations, insignia or logos.

Section 25.765.3 SIGNS NOT REQUIRING PERMITS.

No permit is required for the following types of signs, however, said signs shall be subject to all other provisions of this Section:

- (a) A non-illuminated, non-activated nameplate not exceeding two (2) square feet in area and attached flat against a building, providing only the name, address and occupation of the building tenant or owner.
- (b) Flags and insignias of any governments. Flags of the same government must be at least one hundred (100) feet apart, on the same plot.
- (c) Legal notices, identification, informational or directional signs erected by government agencies or in compliance with their regulations.
- (d) Informational signs placed on single-family residential property not exceeding one (1) square foot each.
- (e) No more than two (2) non-illuminated, non-activated directional signs which do not exceed four (4) square feet each and which bear no advertising other than a logo of the property owner or business for which an occupational license has been granted at the location.
- (f) Non-illuminated, non-reflective memorial signs or signs bearing the name of the building and date of erection, provided that said signs do not exceed twelve (12) square feet in area and either carved into, embossed on or permanently embedded in masonry, bronze or other non-combustible materials, in such a way that they are an architectural detail of a building.

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(g) No more than two (2) non-illuminated, non-activated signs of eight (8) square feet or less each, located on buildings or property owned or leased by public, charitable or religious institutions.

(h) One (1) sign not exceeding six (6) square feet in area, in a residentially-zoned area, or thirty-two (32) square feet in a commercially-zoned area, informing that the property on which the sign is located is for sale, for rent or for lease by the owner of the property or by the owner's agent.

(i) Signs and required regulatory information which are an integral part of, and not simply attached to, gasoline pumps or other similar dispensing or servicing devices.

(j) Signs not exceeding two (2) square feet which advertise that the business for which an occupational license has been issued at the location accepts credit cards; provided that such signs are attached to the commercial building.

(k) Time or temperature signs which contain no advertising and do not exceed eight (8) square feet.

(l) Temporary window signs conforming to the provisions of the section related to temporary window signs.

(m) A maximum of two (2) signs or posters, one of which may be a directional sign, shall be permitted to advertise a garage sale. Any sign or poster shall not exceed four (4) square feet in area; shall not be placed more than two (2) City blocks from the site of the sale; shall not be placed in any public right-of-way, and shall be removed immediately at the conclusion of the garage sale.

(n) Hanging identification signs placed in the near proximity and associated with a business entrance, affixed to the underside of a covered walkway and not primarily viewable from a street right-of-way, not exceeding four (4) square feet in size.

(o) Vinyl or plastic lettering affixed to any awning or canopy, and conforming to the provisions of the section related to awning/canopy type signs. (Note: installation of awning and/or canopy structure **does** require a building permit.)

(p) Changeable copy lettering within any approved changeable copy sign area, and conforming to the provisions of the section related to changeable copy type signs.

(q) Replacement of "panels" within existing wall signs and/or directory panel signs, and conforming to the provisions of the section related to wall and/or directory panel type signs.

(r) Contractor signs.

Section 25.765.4 RESERVED.

Section 25.765.5 PROHIBITED SIGNS.

The following signs classified by location, type and content are prohibited:

(a) Location

(1) By zoning districts: any sign not specifically permitted within a zoning district shall be prohibited within such zoning district.

(2) On public property:

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- a. No sign shall be permitted to extend into, above or be placed in or on any portion of a public street, avenue or alley, nor shall any sign be painted, pasted, posted, printed or nailed to or on any curb, sidewalk, tree, light standard, utility pole, hydrant or bridge, or in any manner displayed within the public property or public right-of-way lines of any street, avenue or alley within the City, except upon the written approval of the City Manager. Said written permission shall be filed in the office of the Director.
 - b. No political sign shall be posted in any public right-of-way, in any public park or on any other public property. The prohibition contained in this subsection shall in no way apply to election announcement signs posted by the City or the Supervisor of Elections announcing each election to be held in the City.
- (3) Obstructing egress: No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress, nor shall any sign be placed in such a manner as to interfere with any opening required for ventilation.
 - (4) Encroaching onto public lands: Any private sign located on or over public land or public right-of-way, unless authorized by the City Council, shall be considered unlawful and shall be subject to immediate removal by the Department of Public Works at the direction of the City Manager and at the sign owner's cost.
 - (5) Blocking utilities and drainage: Signs and their supporting structures shall maintain clearance and non-interference with all surface and underground utilities. Furthermore, placement shall not interfere with natural or artificial drainage or surface or underground water.
 - (6) Hillsborough River: Unless otherwise provided by law, it shall be unlawful to erect, relocate, maintain or use any sign in or upon the Hillsborough River, or other body of water within the limits of the City.
 - (7) Hazardous or dangerous: No permit shall be issued for the erection, construction, display or use of any sign which, in the opinion of the City Manager is hazardous or dangerous or a potential impediment to rescue personnel in the event of an emergency, or which constitutes a public nuisance.
 - (8) Roof signs: Roof signs shall not be permitted except for those placed on mansard roofs.
 - (9) Ground-mounted roof signs: Ground-mounted signs which extend above and encroach over the surface of a roof are not permitted.
 - (10) Signs which advertise a business and are located on a building façade, mansard roof, parapet wall or awning which faces and is contiguous to property zoned and used for single-family residential purposes.
- (b) Type
 - (1) Billboards: No billboard signs shall be permitted in the City.
 - (2) Portable and vehicular signs: Except as may be otherwise expressly provided within this Section, no portable sign, sandwich sign, or snipe sign shall be permitted within the City, and no motorized vehicle or trailer shall be parked upon public or private property within

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the City for the obvious purpose of advertising; provided that commercial vehicles may be identified only by business name, type of business, business address, business telephone number, and contractor’s state/county license number when required.

- (3) Motion pictures: No sign shall be permitted which employs motion picture projection or has moving parts or gives the illusion of motion except as permitted by this Section.
 - (4) Certain illuminated signs: No signs with externally directed or flashing lights shall be permitted. Signs with exposed neon are also prohibited, except as may be conditionally permitted elsewhere in this Chapter.
 - (5) Sound trucks and sound amplifying devices:
 - a. No person may operate or permit to be operated in the City, any “sound amplifying equipment,” whether the same be stationary or operated from a vehicle unless a permit therefor has been obtained from the Department; provided, however, that any such permit shall be immediately revoked if said “sound amplifying equipment” creates loud, raucous noises which disturb the peace.
 - b. No person may maintain or operate any radio device or musical instrument of any kind whereby the sound therefrom is cast directly upon the public streets creating unreasonably loud, excessive or disturbing noises.
 - (6) Nuisance: No sign shall be permitted which emits audible sound, vapor, smoke, odor particles or gaseous matter.
 - (7) Interference with communications prohibited. No sign shall be permitted which may cause radio, television or other communication interference.
 - (8) Certain painted signs: Painted wall signs in excess of fifty (50) square feet or twenty percent (20%) of the building façade, whichever is less. Painted wall signs are those in which the painted lettering or graphics are applied directly to the exterior surface of the building or façade. This prohibition shall only apply to wall signs.
- (c) Content
- (1) Obscene matter: No person shall display upon any sign or other advertising structure an obscene, indecent or immoral matter.
 - (2) Traffic safety: No sign shall be erected or continued in use within the City, which:
 - a. Obstructs the sight distance in a straight line approach along a public or private right-of-way.
 - b. Uses admonitions such as “stop,” “go,” “slow,” and “danger,” which might be confused with traffic direction signs.
 - c. Would, by its location, color or nature, tend to be confused with or obstruct sight of traffic signs or traffic signals by motorists or pedestrians, or which would otherwise constitute a hazard to the safe and efficient operation of vehicles, or would create a condition which might endanger the safety of persons.

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- (3) Corporate or commercial flags, including flags containing logos.

Section 25.765.6 PERMITTED SIGNS.

(a) Signs permitted under the provisions of this Section are itemized on matrices according to zoning districts. The matrices indicate whether the sign is “permitted conditionally” or “not permitted” in those districts. The matrices also include significant characteristics or attributes of each sign by type and are further cross-referenced to a series of “footnotes.” This format attempts to present all information pertinent to a particular sign under investigation or review without extensive need to cross-reference or resort to excessive repetition. However, the “Administrative Provisions” in Section 25.765.7 and certain general “Sign Location and Installation Standards” in Section 25.765.8 may also be applicable. “Advertising” matters and “Political Signs” are considered sufficiently detailed and complex to justify separate additional treatment, therefore, additional regulatory provisions and standards are found in Sections 25.765.11 and 25.765.12 of this Chapter.

- (b) The following matrices with qualifying footnotes are included herein:

Matrix #1	Signs in R-7, R-7.5, R-9, R-10, PRS and PD-R zoning districts
Matrix #2	Signs in R-MF and R-MFA zoning districts
Matrix #3	Signs in C-O, P/QP and E-I zoning districts
Matrix #4	Signs in PROF zoning districts
Matrix #5	Signs in C-G, LI-R and A-U zoning districts
Matrix #6	Signs in shopping centers

(c) The following “legend” pertains to sign characteristics or attributes as found on each matrix – sign types are further defined in Article II (Definitions) of this Chapter:

LEGEND

Cond	Permitted conditions. See referenced footnotes and characteristics for specific conditions.
Not Perm	Not permitted.
Max Sign Area	Maximum sign area for each individual sign.
Setback From Intersection	The distance along right-of-way lines when measured from the intersection of two (2) public right-of-way lines or from the intersection of an access way with a public right-of-way line. The lines mentioned form two (2) sides of a triangle with the third side being a line connecting the ends of the two sides. The triangles thus formed are “visibility triangles” at corners within which signs are not permitted if cross visibility is obstructed between the heights of three (3) and six (6) feet.
Setback to Residence	Minimum setback distance of sign from any residentially-zoned property.
Max # Signs	Maximum number of signs allowed.
Max # Days	Maximum number of days sign is allowed to be displayed.
Max Height	Maximum height – measured from ground to top of sign or any appurtenances.
Setback to Property Line	Distance from any vertically projected point on sign and any property line.

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**MATRIX #1
Signs in R-7, R-7.5, R-9, R-10, PRS and PD-R Zoning Districts**

Type	Cond.	Not perm.	Max.Sign Area (Sq. Ft.)	Setback From Intersection	Setback To Residence	Max. # Signs	Max. # Days	Maximum Height	Setback To Property Line
Activated		*							
Animated		*							
Awning/ Canopy		*							
Banner/ Flag	D						14		
Beacon/ Spot- light		*							
Billboard		*							
Change- able Copy	CC,U								
Clock/ Tempera- ture		*							
Con- tractor	B		8			1		15'	5'
 Direc- tional	EE		4						
Directory Panel		*							
Flat	E		12			1			
Free- standing	B, E					1		15'	5'
Govern- ment	C								
Ground	E,CC,N O,P,S		125	25'		1		15'	5'
Hanging ID	EE		4			1			

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**MATRIX #1 (Continued)
Signs in R-7, R-7.5, R-9, R-10, PRS and PD-R Zoning Districts**

Type	Cond.	Not Perm.	Max.Sign Area (Sq. Ft.)	Setback From Inter-section	Setback To Residence	Max. # Signs	Max. # Days	Maximum Height	Setback To Property Line
Illum.	FF								
Inform.	E,P		12			1			
Mansard Roof		*							
Motion Picture Project.		*							
Neon/Flashing		*							
Painted	L								
Political	F								
Portable/Snipe		*							
Projecting		*							
Pylon		*							
Real Estate	A		6			1			5'
Roof		*							
Rotating		*							
Special Event	K		32			1	14		5'
Vehicular	F, Q								
Wall	E		12			1			
Window, perm.		*							
Window, temp.		*							

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**MATRIX #2
Signs in R-MF and R-MFA Zoning Districts**

Type	Cond.	Not perm.	Max.Sign Area (Sq. Ft.)	Setback From Inter-section	Setback To Residence	Max. # Signs	Max. # Days	Maximum Height	Setback To Property Line
Activated		*							
Animated		*							
Awning/ Canopy	G,H,R					1			5'
Banner/ Flag	D						14		
Beacon/ Spot-light		*							
Billboard		*							
Change-able Copy	CC,R,U								
Clock/ Temperature	G,R				25'				5'
Con-tractor	B		24			1		15'	5'
Dirrec-tional			4						
Directory Panel	J								
Flat	E,G,H,R					1			
Free-standing	H,P,S		100		25'	1		25'	5'
Govern-ment	C								
Ground	H,N,P,S		125	25'	25'	1		15'	5'
Hanging ID			4			1			

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LAND DEVELOPMENT – DESIGN STANDARDS AND DEVELOPMENT CRITERIA**

**MATRIX #2 (Continued)
Signs in R-MF and R-MFA Zoning Districts**

Type	Cond.	Not Perm.	Max.Sign Area (Sq. Ft.)	Setback From Intersection	Setback To Residence	Max. # Signs	Max. # Days	Maximum Height	Setback To Property Line
Illum.									
Inform.	E,P		12			1			
Mansard Roof	DD,G,R,H					1			
Motion Picture Project.		*							
Neon/Flashing	AA,GG,I,R								
Painted	L								
Political	F								
Portable/Snipe		*							
Projecting		*							
Pylon	E,H,R,S		100		25'	1		25'	5'
Real Estate	A		6			1			5'
Roof		*							
Rotating		*							
Special Event	K		32			1	14		5'
Vehicular	F, Q								
Wall	E,G,H,R					1			
Window, perm.	AA,H,I,R					1			
Window, temp.	H,I,R						28		

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**MATRIX #3
Signs in C-O, P/QP and E-I Zoning Districts**

Type	Cond.	Not perm.	Max.Sign Area (Sq. Ft.)	Setback From Intersection	Setback To Residence	Max. # Signs	Max. # Days	Maximum Height	Setback To Property Line
Activated		*							
Animated		*							
Awning/ Canopy		*							
Banner/ Flag	D						14		
Beacon/ Spot- light		*							
Billboard		*							
Change- able Copy	CC,U								
Clock/ Tempera- ture		*							
Con- tractor	B		24		25'	1		15'	5'
Direc- tional			4						
Directory Panel	J								
Flat	G,H		12			1			
Free- standing	B,E					1		15'	5'
Govern- ment	C								
Ground	H,N,P,S		125	25'		1		15'	5'
Hanging ID			4			1			

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**MATRIX #3 (Continued)
Signs in C-O, P/QP and E-I Zoning Districts**

Type	Cond.	Not Perm.	Max.Sign Area (Sq. Ft.)	Setback From Intersection	Setback To Residence	Max. # Signs	Max. # Days	Maximum Height	Setback To Property Line
Illum.									
Inform.	E,P		12			1			
Mansard Roof		*							
Motion Picture Project.		*							
Neon/Flashing	AA,GG,I								
Painted	L								
Political	F								
Portable/Snipe		*							
Projecting		*							
Pylon		*							
Real Estate	A		32			1			5'
Roof		*							
Rotating		*							
Special Event	K		32			1	14		5'
Vehicular	F, Q								
Wall	G,H		12			1			
Window, perm.	AA		6			1			
Window, temp.		*							

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**MATRIX #4
Signs in PROF Zoning Districts**

Type	Cond.	Not perm.	Max.Sign Area (Sq. Ft.)	Setback From Inter-Section	Setback To Residence	Max. # Signs	Max. # Days	Maximum Height	Setback To Property Line
Activated		*							
Animated		*							
Awning/ Canopy	G,H,R					1			5'
Banner/ Flag	D						14		
Beacon/ Spot-light		*							
Billboard		*							
Change-able Copy	CC,R,U								
Clock/ Temperature	G				25'				5'
Con-tractor	B		24		25'	1		15'	5'
Direc-tional			4						
Directory Panel	J								
Flat	G,H					1			
Free-standing	B,E					1		15'	5'
Government	C								
Ground	H,N,P,S		125	25'		1		15'	5'
Hanging ID			4			1			

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**MATRIX #4 (Continued)
Signs in PROF Zoning Districts**

Type	Cond.	Not Perm.	Max.Sign Area (Sq. Ft.)	Setback From Inter-Section	Setback To Residence	Max. # Signs	Max. # Days	Maximum Height	Setback To Property Line
Illum.									
Inform.	E,P		12			1			
Mansard Roof	DD,G,H					1			
Motion Picture Project.		*							
Neon/Flashing	AA,GG,I								
Painted	L								
Political	F								
Portable/Snipe		*							
Projecting		*							
Pylon		*							
Real Estate	A		32			1			5'
Roof		*							
Rotating		*							
Special Event	K		32			1	14		5'
Vehicular	F, Q								
Wall	G,H					1			
Window, perm.	AA		6			1			
Window, temp.	H,I,R						28		

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**MATRIX #5
Signs in C-G, LI-R and A-U Zoning Districts**

Type	Cond.	Not perm.	Max.Sign Area (Sq. Ft.)	Setback From Inter-Section	Setback To Residence	Max. # Signs	Max. # Days	Maximum Height	Setback To Property Line
Activated		*							
Animated		*							
Awning/ Canopy	G,H					1			5'
Banner/ Flag	D						14		
Beacon/ Spot-light		*							
Billboard		*							
Change-able Copy	U								
Clock/ Temperature	G				25'				5'
Con-tractor	B		24		25'	1		15'	5'
Dirrec-tional			4						
Directory Panel	J								
Flat	G,H					1			
Free-standing	S, T		100		25'	1		25'	5'
Govern-ment	C								
Ground	N,S,T		125	25'	25'	1		15'	5'
Hanging ID			4			1			

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**MATRIX #5 (Continued)
Signs in C-G, LI-R and A-U Zoning Districts**

Type	Cond.	Not Perm.	Max.Sign Area (Sq. Ft.)	Setback From Inter-Section	Setback To Residence	Max. # Signs	Max. # Days	Maximum Height	Setback To Property Line
Illum.									
Inform.	E,P		12			1			
Mansard Roof	DD,G,H					1			
Motion Picture Project.		*							
Neon/Flashing	AA,GG,I								
Painted	L								
Political	F								
Portable/Snipe		*							
Projecting		*							
Pylon	S,T		100		25'	1		25'	5'
Real Estate	A		32			1			5'
Roof		*							
Rotating		*							
Special Event	K		32			1	14		5'
Vehicular	F, Q								
Wall	G,H					1			
Window, perm.	AA,H,I					1			
Window, temp.	H,I						28		

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MATRIX #6
Signs in Shopping Centers

Type	Cond.	Not perm.	Max.Sign Area (Sq. Ft.)	Setback From Intersection	Setback To Residence	Max. # Signs	Max. # Days	Maximum Height	Setback To Property Line
Activated		*							
Animated		*							
Awning/ Canopy	G,H					1			5'
Banner/ Flag	D						14		
Beacon/ Spot-light		*							
Billboard		*							
Change-able Copy	U								
Clock/ Temperature	G				25'				5'
Con-tractor	B		24		25'	1		15'	5'
Directional			4						
Directory Panel	J								
Flat	G,H,V					1			
Free-standing	S,T,W		100		25'	1		25'	5'
Government	C								
Ground	N,S,T,W		125	25'	25'	1		15'	5'
Hanging ID			4			1			

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**MATRIX #6 (Continued)
Signs in Shopping Centers**

Type	Cond.	Not Perm.	Max.Sign Area (Sq. Ft.)	Setback From Intersection	Setback To Residence	Max. # Signs	Max. # Days	Maximum Height	Setback To Property Line
Illum.									
Inform.	E,P		12			1			
Mansard Roof	DD,G,H					1			
Motion Picture Project.		*							
Neon/Flashing	AA,GG,I								
Painted	L,V								
Political	F								
Portable/Snipe		*							
Projecting		*							
Pylon	S,T,W		100		25'	1		25'	5'
Real Estate	A		32			1			5'
Roof		*							
Rotating		*							
Special Event	K		32			1	14		5'
Vehicular	F, Q								
Wall	G,H					1			
Window, perm.	AA,H,I					1			
Window, temp.	H,I						28		

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FOOTNOTES TO MATRICES – ALL ZONING DISTRICTS

A. Such real estate sign shall refer only to the sale, lease or rental of buildings or structures on which sign is displayed or shall be displayed on only one (1) of a series of contiguous unsold parcels of land. Those real estate signs which offer for sale multiple lots within a subdivision shall be limited to a period not to exceed six (6) months from the date of issuance of a sign permit.

B. A free-standing contractor sign shall be allowed for each licensed contractor who has obtained a permit to perform work on said property. Such free-standing contractor sign shall be removed from the property within ten (10) days after completion of work for which the permit was issued.

C. Such governmental sign erected by the City in conjunction with a City building or facility shall comply with the requirements applicable to the zoning district in which such sign is located.

D. The City Council may grant a temporary permit to allow a banner or flag advertising civic or charitable events to be hung over the public right-of-way for a period of not more than fourteen (14) consecutive days, nor more than fourteen (14) days in a single year. Such temporary banners or flags shall be attached to poles designed expressly for that purpose and shall not be affixed to vehicles, buildings, or utility poles. Other banners used by community service organizations for community events, but not hung over public right-of-way, shall not be limited as to frequency of use.

E. Informational signs are permitted in connection with a non-profit, community or neighborhood center, public building, church building, private school or hospital up to a maximum area of twelve (12) square feet for each building or facility. In addition to the foregoing uses, all other land uses in any zoning district other than single-family residential are permitted one (1) such informational sign of twelve (12) square feet per building or facility. Informational signs on single-family (residentially zoned and used) property are limited to one (1) square foot.

F. Such political signs are permitted provided they are in compliance with all the terms, conditions and standards of Section 25.765.12.

G. On single and multi-tenant buildings of one or two stories, a sign advertising the business occupying the building, or each or any tenancy within the building, may be attached to a building façade, awning, mansard roof or parapet wall, in locations to be determined by the building owner, as long as the total square footage of all signs on that building façade does not exceed twenty (20) percent of the square footage for that building façade (unless otherwise limited, restricted or prohibited within a zoning district).

On single and multi-tenant buildings of three stories or more, signs are limited to one sign attached to a building façade, awning, mansard roof or parapet wall, on each building side covering not greater than 1.7 square feet for each linear horizontal foot of the building side covering not greater than 1.7 square feet for each linear horizontal foot of the building frontage on which it is to be located (unless otherwise limited within a zoning district). Said signs must be uniform in content, type, color and design and shall designate either the name of the building or the name or corporate logo of the principal tenant of the building. In addition, one sign advertising each of the businesses occupying the first floor of the building may be placed on the building façade, awning or mansard roof, at a height not to exceed fifteen (15) feet up to a maximum of fifty (50) square feet, per sign.

H. Ground, pylon, flat, wall, mansard roof, awning/canopy, and permanent window signs shall consist of only the name, corporate logo, corporate slogan, a single special service feature and the name of the profession, service or business being conducted at the site, center or complex and paying the occupational license fee at the site. Temporary window signs advertising particular products or services of the business being conducted and paying the occupational license fee at the site shall be permitted.

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I. Both temporary and permanent window signs shall be limited in total area to twenty-five (25) percent of the total window display area on each side of the building; provided, however, that in no case shall such signs collectively exceed twenty (20) percent of any building façade or side.

J. Directory signs shall meet the following criteria:

1. They shall be framed as an integral part of the ground, free-standing or pylon sign.
2. The total area shall not exceed the total allowable area on the ground, free-standing or pylon signs. (*Ord. No. 899, 8-15-95*)
3. They shall have no flashing or moving parts.
4. Directory panels shall be allowed on a ground, free-standing or pylon sign when two (2) or more separate businesses paying separate occupational licenses are operated on a single site, center or complex. (*Ord. No. 899, 8-15-95*)
5. Each individual directory panel shall be uniform in construction, materials and style.
6. No more than two (2) sizes of directory panels shall be permitted on each sign.
7. Any logos pertaining to the businesses for which occupational licenses have been issued and which are located in the complex may be included on the individual directory panels. (*Ord. No. 899, 8-15-95*)
8. No business may have more than one (1) directory panel on the directory sign.

K. Such special event signs are permitted provided they are in compliance with all the terms, conditions, and standards of Section 25.765.7(c).

L. Painted wall signs shall not exceed fifty (50) square feet or twenty percent (20%) of the building facade, whichever is less.

M. Reserved.

N. Ground signs shall be architecturally designed and landscaped. Such signs shall be constructed of materials capable of withstanding the elements for a reasonable period of time. All plantings and landscaping around any such ground sign shall be regularly watered, maintained and replaced if necessary, and an adequate automatic irrigation system shall be installed to assure regular watering.

O. Such signs shall be permitted only as follows:

1. Those signs associated with a platted subdivision shall denote only the approved name of the subdivision; only one (1) ground sign is permitted at each entrance to the subdivision.
2. Those signs associated with a non-profit, community or neighborhood center, public building, church building, private school or hospital, provided that such sign shall be used only to identify the institution or facility for which an occupational license has been issued or its location.

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P. On corner lots, two (2) such signs, located a minimum of one hundred (100) feet apart, one (1) facing each roadway may be permitted. No more than one (1) sign may be erected at each major entrance.

Q. Any person, firm or corporation in legal possession of a valid Certificate of Competency and engaged in the business of contracting in the City may display a permanent sign on motor vehicles used in the operation of the business. Such sign shall state the name of the firm or corporation and State license number or number assigned by the Hillsborough County Building Department. Such letters shall be a minimum of four (4) inches in height and numbers shall be a minimum of two (2) inches in height.

R. Such signs shall only be permitted for an approved hotel, motel, or hotel/restaurant complex or a motel/restaurant complex which is being treated as a unified whole; provided, however, that no more than one (1) pylon or free-standing sign may be constructed to advertise the hotel or motel or components of the hotel/motel/restaurant complex.

S. Such sign shall only be permitted upon compliance with all of the following conditions:

1. The sign permit application shall include a full legal description of the property involved, together with evidence of the applicant's ownership of said property, and
2. All structures upon the property shall be completely detached and separated from the structures upon adjacent property, and
3. The property involved shall abut a public street and shall have separate, direct access therefrom; and
4. Except with regard to an outparcel, the property involved shall have separate off-street parking and service facilities in compliance with all applicable regulations.

T. Except signs located in C-O zoning districts, any shopping center or parcel of commercially-zoned land under single ownership shall have no more than one (1) ground, free-standing or pylon sign on each side of said parcel which abuts a street, and such sign may bear only the following: name, corporate logo, corporate slogan, a single special service feature and nature of the profession, service or business being conducted at the site, center or complex; provided, however, that an outparcel may have one (1) ground sign in addition to the ground, free-standing or pylon sign for the shopping center. Where more than one (1) ground, free-standing or pylon sign is erected on a single site, such signs must be located a minimum of one hundred (100) feet apart.

U. Changeable copy signs shall meet the following criteria:

1. They shall be an integral part of the free-standing, ground or pylon sign.
2. They shall not comprise more than twenty (20) percent of the total sign area of the free-standing, ground or pylon sign.
3. They shall have no flashing or moving parts.
4. Each line shall be uniform in height.

V. Wall, flat and façade signs located within a shopping center are not required to be uniform in color or type.

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W. A shopping center with more than ten thousand (10,000) square feet of building area is permitted a ground, free-standing or pylon sign on each side facing a street abutting the shopping center. Lettering on any ground, free-standing or pylon sign shall indicate only the name of the shopping center, corporate logo, corporate slogan, a single, special service feature and the nature of the profession(s), service(s), or business(es) being conducted and paying the occupational license fees at the site, center or complex; provided, however, that either a directory panel or changeable copy portion of a sign, but not both, may be affixed to a free-standing, pylon or ground sign and, further provided that in no case shall the total area of all such combined signs exceed one hundred (100) square feet on the free-standing or pylon signs, or one hundred twenty-five (125) square feet on the ground signs.

X. Reserved.

AA. Neon signs located in, on or behind a window are permitted under the following conditions:

1. One sign on each building façade for single tenant buildings.
2. One sign per business per multi-tenant buildings.
3. Each sign shall not exceed six (6) square feet.
4. Each sign is limited to no more than three different colors.
5. Content of each sign limited to one subject.
6. Sign is non-flashing.

BB. Reserved.

CC. Such signs shall be permitted only in connection with a non-profit, community or neighborhood center, public building, church building, private school or hospital.

DD. Mansard roof signs shall not extend vertically above the highest portion of the lower roof section and may not project more than twelve (12) inches from the surface of the lower roof. (See note G for additional dimensional limitations)

EE. Directional and hanging identification signs of not more than four (4) square feet are permitted in connection with a non-profit, community or neighborhood center, public building, church building, private school or hospital.

FF. Illuminated signs in single-family residential zoning districts are permissible only when the parcel served by the sign is not also used for residential purposes.

GG. Neon signs located in or on free-standing, ground, pylon, wall or mansard roof signs shall be completely enclosed and encased.

(Ord. No. 1278, 8-17-10)

Section 25.765.7 ADMINISTRATIVE PROVISIONS.

(a) Permits Required.

- (1) No person shall erect, demolish, structurally alter, rebuild, enlarge, extend, relocate, attach to or support by a building or structure any sign unless a permit for such sign has been issued by the Department, or unless such sign is specifically exempted from permit requirements as outlined in this Section.

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- (2) It shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of a sign permit.
 - (3) If the work authorized under a sign permit has not been completed within ninety (90) days after the date of issuance, said permit shall become null and void and there shall be no refund of any fee required by this Section.
 - (4) Electrical permits, in addition to sign permits, shall be required for any sign embodying any electrical equipment and such signs shall be inspected and approved by the City's electrical inspector.
- (b) Signs requiring erector vehicle; permit and insurance required.
- (1) Application for permit shall be accompanied by such drawings and information necessary to fully acquaint the Director with the location, construction, weight, materials, wind stress calculations, method of securing and manner of illuminating such sign, and the drawings shall bear the certification of approval of a duly licensed structural design engineer registered in the State of Florida. Permission of the owner of the property on which the sign is to be located shall be indicated either by letter or by signature on the drawings, and such letter or signed drawing shall be filed as may be required by the Director. Proof of public liability insurance coverage may be required by the Director.
 - (2) Sign identification data: All signs installed by sign erectors or sign contractors shall carry the name of the sign manufacturer, the name of the firm or person erecting the sign, and the permit number issued by the City for such sign.
- (c) Special Events Signs; Permit, Deposit Required.
- Special event signs or public auction signs are declared to be special exceptions, and the Director may grant permits for their use upon payment of the applicable fee and an additional deposit of no less than one hundred (100) dollars. The commercial use of portable, non-illuminated, non-activated, changeable copy signs shall be restricted to initial grand openings or change of ownership of any business, occupation, site, center or complex for a period not to exceed two (2) weeks. If any such sign is not removed within seventy-two (72) hours after the permit expires, the deposit shall be forfeited. The use of portable, non-illuminated, non-activated, changeable copy signs or banners by community service organizations or to publicize community events shall require a permit but shall not be limited as to frequency.
- (d) Special Exception Approval.
- (1) Upon prior approval of the City Manager, informational and directional signs may be constructed or located within a right-of-way or easement, only in such locations and of such size and nature as to not to interfere with proper movement of traffic, and not to cause a cluttered or unsightly condition.
 - (2) Upon approval of the Director, temporary signs may be permitted for a period not to exceed twelve (12) months, relating to proposed use, development, or sale of property.
- (e) See Section 25.697.5 for information regarding permit fees.

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Section 25.765.8 SIGN LOCATION AND INSTALLATION STANDARDS.

(a) Sign Lighting.

- (1) No light provided in conjunction with a sign shall cause glare which impairs visibility for vehicular or pedestrian traffic upon any private or public property or right-of-way located within one hundred (100) feet of said sign or on any pedestrian traffic land located within two hundred fifty (250) feet of said sign.
- (2) Business or commercial lighting which illuminates residentially-zoned property during hours when the business or commercial activity has ceased shall be prohibited when and if any residential property owner whose property is illuminated by such lighting shall file a complaint with the Department and said complaint is determined to be valid.

(b) Signs near Electrical Conductor.

No sign shall be erected closer than five (5) feet to any overhead electrical conductor, where the difference in potential between any two (2) conductors or between any one conductor and ground exceeds seven hundred fifty (750) volts.

(c) Reserved.

(d) Structural Requirements.

All signs shall comply with all structural and construction requirements of the Southern Standard Building Code as adopted by the City; provided, however, that in the event of a conflict between the terms or requirements of this Section and those of the Southern Standard Building Code, the requirements of this Section shall supersede.

(e) Height Clearances.

- (1) The bottom of any sign which extends over an area designed for or utilized for pedestrian traffic shall be a minimum of seven (7) feet from ground level. The bottom of any sign which extends over an area designed for or utilized for vehicular traffic shall be a minimum of fourteen (14) feet from ground level. Unless otherwise authorized by City Council, no sign shall encroach upon or extend over any public right-of-way.
- (2) Any “free-standing” sign which does not meet the applicable minimum height requirements set forth in Subsection (1) above, shall be located in a grassed or landscaped area.

Section 25.765.9 MAINTENANCE REQUIREMENTS AND STANDARDS.

All signs shall be made in a professional and workmanlike manner and be maintained in good repair, clean and neat, and shall not obstruct visibility from the road. The premises under and within ten (10) feet in all directions of any sign shall be kept clear of all litter, rubbish, trash, weeds, refuse and waste material.

Section 25.765.10 UNSAFE SIGNS.

If the Director finds that any sign or other advertising structure regulated herein is dangerous, hazardous, unsafe or insecure, or is a public nuisance, he shall send a written notice thereof by certified mail to the owner of such sign. If the owner fails to remove or alter the structure to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure may be removed by the City at the expense of the owner. The Director may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

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Section 25.765.11 ADVERTISING.

- (a) Posting Advertisements on Unoccupied Buildings or Temporary Structures.

No sign or other advertisement shall be posted, erected, displayed or constructed on any unoccupied building or temporary structure within the City, except as may be otherwise specifically permitted in this Section.

- (b) Advertising Matter, Handbills, Distribution on Streets.

No person shall distribute or cause to be distributed, paper handbills, circulars, dodgers or other advertising matter on public property within the City unless he has first obtained a permit therefor from the Department.

- (c) Advertising Leaflets; Restrictions.

It shall be unlawful for any person to scatter upon any street of the City leaflets, posters, bills or other loose sheets of paper constituting advertising matter, or to affix such leaflets, posters, bills or other loose sheets of paper on any public place along or on the streets, alleys or sidewalks of the City so that the same may be scattered by the wind.

- (d) Advertising Material, Placing in or on Automobiles.

- (1) No person shall place or cause any commercial handbill to be placed within or upon, or under the windshield wiper of any private automobile parked upon any public street or in any public parking area utilized by the general public. Such handbills may be delivered to any person present and in charge of the vehicle, provided that the person is willing to accept and receive the same and, further provided that the distributor of such handbills has first obtained a permit therefor from the Department.
- (2) No owner of private property within the City, which is utilized by the general public for parking, shall permit any vehicle, including, but not limited to, automobiles, motorcycles, mopeds, boats, trailers, trucks, campers, mobile homes, recreational vehicles and other conveyances, (hereinafter “vehicle”) with a “for sale” or “for lease” sign to be parked abutting, adjacent to, or facing any street, right-of-way, sidewalk or public property. Owners of such private property may erect one (1) or more informational signs prohibiting parking of vehicles with “for sale” or “for lease” signs in such areas. Said signs shall comply with the notice requirements established in Section 715.07, Florida Statutes, and with the specifications provided by the City Manager or his designee. Both the owner of the real property on which the vehicle is parked, and the registered owner of the vehicle, shall be liable for violation of this Subsection; provided, however, that upon proof by the owner of the real property that he:
- a. Has erected informational signs prohibiting such parking, as provided above; and
- b. Has made good faith attempts to enforce said signs, the owner shall have a complete defense in any action to enforce this Subsection and the vehicle owner shall be solely liable for the violation.
- (3) Owners of vehicles shall not be permitted to park said vehicles with “for sale” or “for lease” signs on any publicly owned property abutting, adjacent to, or facing any street, right-of-way or sidewalk, except while conducting business or visiting said public facility.

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Section 25.765.12 POLITICAL SIGNS.

(a) Time limitations:

- (1) Political signs may be erected as of the date of the qualification for office by the candidate or, in those cases of signs related to political parties or issues submitted to the electors of the City, thirty (30) days prior to the date of the election.
- (2) All political signs shall be removed no later than ten (10) days following the date of the election to which they pertain. Failure to timely remove political signs shall constitute a violation of the City Code. All signs shall be discarded in a proper manner so as to prevent litter and trash from accumulating within the City.

(b) Location:

- (1) No political sign shall be posted in any public right-of-way, in any public park or on any other public property. The prohibition contained in this Subsection shall in no way apply to election announcement signs posted by the City or the Supervisor of Elections announcing each election to be held in the City.
- (2) Other than pennants, banners and portable signs which are prohibited, non-illuminated, non-inflatable political signs are permitted on private property only with the permission of the record title holder of said property.
- (3) Window signs in commercial zoning districts shall be permitted only on the inside surface of windows and the total of all such window signs shall cover no more than twenty-five (25) percent of the total window.

(c) Size:

The total square footage of all stationary political signs on any zoning lot shall not exceed six (6) square feet in residential zoning districts, and sixteen (16) square feet in commercial zoning districts. Vehicle political signs shall not exceed four (4) feet in length and two (2) feet in height.

(d) Setbacks:

Political signs shall be set back at least fifteen (15) feet from all improved surfaces of public roads and streets.

Section 25.765.13 NON-CONFORMING SIGNS INCLUDING AMORTIZATION.

See Article VIII of this Chapter (Non-conforming Development and Variances)

Section 25.765.14 VARIANCES.

See Article VIII of this Chapter (Non-conforming Development and Variances)

(Ord. No. 769, 3-5-91; Ord. No. 817, 9-22-92; Ord. No. 835, 4-20-93; Ord. No. 836, 4-20-93; Ord. No. 879, 8-16-94; Ord. No. 899, 8-15-95, Ord. No. 1278, 8-17-10)

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Section 25.770 **STANDARDS FOR CONSTRUCTION, RECONSTRUCTION AND PLACEMENT OF ALL SEAWALLS, RIP-RAP, RAMPS, DOCKS AND OTHER PRIVATE OVER-THE-WATER STRUCTURES ON THE HILLSBOROUGH RIVER.**

Section 25.770.1 **DEFINITIONS.**

As used in this Section, the following words and terms shall have the following meanings unless a different meaning is clearly intended from the context:

- (a) **“Bent”** – that section of a dock or pier which forms a transverse framework intended to carry lateral as well as vertical loads (similar to a railroad trestle superstructure).
- (b) **“City”** – the City of Temple Terrace, Florida.
- (c) **“Construction”** – the erection of any new structure, the replacement of any existing structure, or the additions to any existing structures.
- (d) **“Dock”** – any structure, otherwise known as a pier, wharf, or loading platform, which is constructed on piling, suspended over open water or which is supported by flotation on the water.
- (e) **“Finger pier”** – that part of a dock structure which is attached in a perpendicular fashion to a central dock and provides direct access to boats and moorings.
- (f) **“Floating dock”** – any dock supported by flotation devices and influenced by the daily ebb and flow of the water body.
- (g) **“Frontage”** – the amount of riverbank or shoreline measured in linear feet.
- (h) **“Middle Hillsborough River”** – the portion of the river from the Fletcher Avenue bridge downstream to the City of Tampa dam.
- (i) **“Residential dock”** – any dock which will be used by an individual owner, his family and friends.
- (j) **“Ordinary high water mark”** – a line determined by examining the bed and banks of the waterbody and ascertaining where the presence and action of the water has marked upon the bed, a character distinct from that of the banks with respect to vegetation or nature of the soil itself. This delineation is used in non-tidally influenced areas.
- (k) **“Parcel”** – land bounded by lines legally established for the purpose of property division.
- (l) **“Permanently moored”** – to moor a floating structure or vessel in a manner designed for use in essentially the same manner as a fixed structure.
- (m) **“Piling”** – poles, concrete bars or other materials which are embedded in the river bottom forming the structural support of a dock.
- (n) **“Rip-rap”** – a sloping sustaining wall made to reduce the force of waves and to protect the shore from erosion and consisting of unconsolidated boulders, rocks, clean concrete rubble, plastic webbing or similar manufactured material, or a combination thereof, with a base of filter fabric and no exposed reinforcing rods or similar protrusions.
- (o) **“Tie pilings”** – pilings which are used for the anchorage or mooring of a vessel.

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(p) **“Vertical seawall”** – a man-made wall, made to break the force of the waves and to protect the shore from erosion, the waterward face of which is at a slope greater than seventy-five (75) degrees to the horizontal.

Section 25.770.2 MINIMUM SPECIFICATIONS FOR ALL DOCK CONSTRUCTION.

(a) The provisions of Chapter 15 of the Florida Building Code shall govern the design, materials, construction and quality of permitted roof assemblies. Roof assemblies shall meet or exceed the performance requirements for wind resistance in accordance with Chapter 16, Florida Building Code.

(b) The design of structural elements or systems constructed partially or wholly of wood based products, shall be in accordance with Chapter 23, Florida Building Code. All lumber, timber, piles and poles, and plywood supporting permanent structures shall be naturally durable or preservative treated wood conforming to the requirements of the American Wood Preservers Association (AWPA) standards for species and products.

(c) All metal fastenings including nails, screws, bolts, clips and hangers shall be corrosion resistant and conform to the standards of ASTM F 1667. Corrosion resistance shall meet ASTM A 641, Class 1 or an equal corrosion resistance by coating, electro galvanization, mechanical galvanization, hot-dipped galvanization, stainless steel, nonferrous metal or other suitable corrosion resistant material.

(d) The quality and design of materials for dock and pile foundations shall meet or exceed the provisions specified in Chapter 19, Florida Building Code as determined by the type of foundation being constructed. This construction may include but shall not be limited to concrete cast in place piles, concrete filled tube piles, timber piles, and precast concrete piles. The use of creosotes piles and creosote wood products is strictly prohibited.

(e) Tie pilings shall project above ordinary high water only as reasonably necessary for their use and application but in no case greater than 10’ above mean high water. Any such wood piling shall consist of naturally durable or preservative treated lumber under the requirements of AWPA standards. Concrete tie pilings shall be subject to design and reinforcement criteria outlined in Chapter 19, Florida Building Code.

(f) All floating private docks in the City must have a minimum of twenty pounds per square foot flotation and be constructed with materials approved by Temple Terrace and the Tampa Port Authority.

(g) All electrical systems are to comply with the National Electric Code requirements, latest adopted edition.

(h) The decking and walking surfaces of all docks shall be designed and constructed to ensure a maximum of light penetration through the dock, with full consideration of safety and practicality. Under no circumstance shall decking surface be constructed in a manner that renders the structure area impervious to light or water runoff. A minimum one inch (1”) opening is required per linear foot of structure with a minimum of one-half inch (1/2”) spacing gap required between decking planks.

(Ord. No. 1276, 7-20-10)

Section 25.770.3 MINIMUM SPECIFICATIONS FOR SEAWALL AND RIP-RAP CONSTRUCTION.

(a) Where repair of existing seawalls will require replacement or reconstruction of more than twenty (20) percent of the total linear footage of the length of the existing seawall, the seawall must be repaired or replaced with natural slopes or rip-rap. No more than forty (40) percent of the length of the seawall may be repaired in any five (5) year period without reverting to natural slopes or rip-rap.

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(b) Rip-rap installed for shoreline stabilization must consist of clean broken concrete or natural rock, with diameters of about 12 inches or plastic webbing material (Geo-web or similar manufactured shoreline stabilization material). In no case will asphalt or other hydrocarbon-based materials be permitted for shoreline stabilization.

(c) Filter fabric must be provided as a base for all rip-rap construction other than plastic webbing material.

(d) The vertical slope of rip-rap construction may not exceed a 2 to 1 (horizontal: vertical) ratio.

(e) Rip-rap shall be installed such that impacts to existing wetland vegetation and/or wildlife habitat are minimized. Wetland vegetation and/or wildlife habitat on lands adjacent to area of rip-rap coverage shall not be damaged or destroyed during installation.

(f) Rip-rap construction must include plantings of indigenous types of vegetation. The Hillsborough County Environmental Protection Commission shall be the resource agency for information regarding appropriate types of vegetation and methods of planting.

(Ord. No. 1276, 7-20-10)

Section 25.770.4 DESIGN CRITERIA.

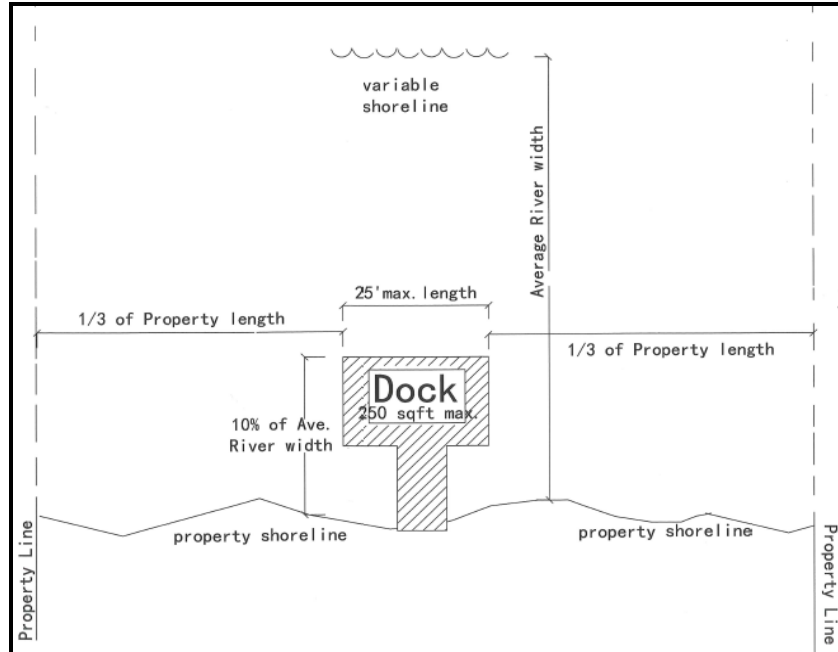
- (a) Where docks are permitted under Section 25.770, only one (1) dock per parcel is permitted.
- (b) Residential docks shall be positioned such that impacts to existing vegetation are avoided or minimized.
- (c) Maximum height of roofed structures shall be measured from nearest adjacent grade unless otherwise specified.

DESIGN CRITERIA FOR OVER-WATER STRUCTURES

Maximum size and height of roofs over docks	150 sq/ft; 11 ft
Maximum size of dock	5 sq/ft per 1 ft of linear river frontage; up to max 250 sq/ft
Maximum extension into water	10% of river width measured from ordinary high water
Setback from property lines on either side	Minimum 1/3 of linear river frontage from either side
Maximum width of dock	25% of linear river frontage; up to max 25 ft
Maximum height of tie pilings	No more than 10 ft above ordinary high water
Maximum roof coverage and height of covered boat lifts	365 sq/ft; 11ft

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EXAMPLE DOCK CONSTRUCTION



(Ord. No. 1276, 7-20-10)

Section 25.770.5 PERMITTING.

(a) The administration and enforcement of Building and Mechanical Codes of the Florida Building Code which establish the technical standards that apply to the construction, installation, alteration, removal, repair, replacement and maintenance to any over-water structure shall be subject to the provisions of Chapter 8 Building and Construction, Temple Terrace Code of Ordinances.

Minimum specifications are declared to be remedial and shall be construed to be necessary to secure the beneficial interests and purpose to address public safety, health and general welfare.

(b) All applications for permits from the City of Temple Terrace for construction of rip-rap, docks, boat lifts, or other over-the-water structures must be accompanied by either permits or permit exemptions from the Department of Environmental Protection **and** the Tampa Port Authority.

(c) Failure to obtain a permit for an alteration, addition or improvement prior to construction shall be grounds for referral to the City's Municipal Code Enforcement Board. Repairs, alterations, additions or improvements to an existing structure which will constitute fifty percent (50%), or greater, of said structure size, will require a new permit and shall conform to the design standards established in this Section.

(d) Persons wishing to engage in the business of contracting or acting in the capacity of a Aquatic Contractor or subcontractor undertaking construction, repair or maintenance of rip-rap, docks, boat lifts, or other over-the-water structures shall maintain a Certificate of Competency with Hillsborough County, be registered with the City of Temple Terrace and be registered with the State of Florida in accordance with Chapter 489, Florida Statutes.

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(e) The City of Temple Terrace shall have the right to deny a permit for the construction of an over-the water structure where it is determined that such construction will adversely affect one or more of the following:

- (1) The use of the Hillsborough River for navigation, transportation, recreation or other public purpose;
- (2) The flow of water of tidal currents in the river;
- (3) The rate or amount of erosion, public erosion control efforts, or the shoaling of navigation channels;
- (4) Water quality, wildlife conservation, aquatic life, wetlands and other natural resources;
- (5) Uplands surrounding the site, if materially disturbed by the general plan of development; and
- (6) The health, safety and welfare of the general public.

(Ord. No. 1276, 7-20-10)

Section 25.770.6 PROHIBITED CONSTRUCTION.

(a) Construction of new vertical seawalls is prohibited, except as may be necessary to ensure the public health, safety and welfare, as in the construction of vertical sections of seawall associated with flood control structures or other public facilities.

(b) Construction of over-the-water structures along the Middle Hillsborough River is prohibited, except for docks, covered boat lifts, boardwalks, public bridges and structures that are clearly for the benefit of the public or where property ownership includes submerged lands.

(c) In no case shall administrative approval be given for the enclosing of the sides of any dock, boat lift or any other type of over-the-water structure.

(d) Filling or dredging in the floodway for any construction is prohibited.

(e) The construction of multi-decked structures is prohibited.

(Ord. No. 1276, 7-20-10)

Section 25.770.7 ADDITIONAL PROVISIONS.

(a) Construction materials, debris, or other trash must not be allowed to escape into the river at any time during construction. Turbidity screens shall be utilized throughout the installation of rip-rap and dock pilings. The screens shall be placed so as to enclose and confine to the construction site any sediment-laden waters generated by the activity.

(b) All docks must be marked with reflectors or reflective tape so that their extent is clearly indicated to boaters on the waterway.

(c) All residential docks shall be for private use only and cannot be used to generate income.

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(d) The maintenance and repair of any over-the-water structure shall be the sole responsibility of its owner. If any over-the-water structure constructed hereunder or continued in existence hereunder is permitted to fall into disrepair so as to become a dangerous structure involving risks to the safety and well being of the community or individual members thereof, such structure shall either be repaired or removed so as to conform to the requirements of these rules and regulations. Upon determination by the Building Official that a structure has become dangerous, the City of Temple Terrace shall serve written notice upon the owner of record of the adjacent upland property. Said party shall have thirty (30) days from the date of the notice to remove or repair said structure to conform to the requirements of this Section. Failure to act will be cause for referral to the Municipal Code Enforcement Board.

(e) Permanently moored vessels are prohibited.

(f) Moored boats shall not extend more than one boat width past the riverward edge of dock.

Section 25.770.8 VARIANCES.

(a) A variance from design, construction standards and materials may be granted by the City's Building Official provided that the proposed construction methods and materials are equivalent to or better than those specified by this Section. It is the responsibility of the petitioner to verify that the proposed alternate methods or materials are equal to those required herein.

(b) A variance from size, location, and placement criteria for an over-the-water structure, including deviations from other design criteria not mentioned above, may only be granted by the Temple Terrace Board of Adjustment. The standard procedures for Board of Adjustment cases shall be followed except that riverfront property owners within 500 feet of the subject property shall be notified in addition to property owners within 100 feet in any direction.

(Ord. No. 746, 8-7-90; Ord. No. 1276, 7-20-10)

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Section 25.780 LANDSCAPING AND BUFFERING.

Section 25.780.1 PURPOSE.

The purpose of this Section is to establish minimum landscaping and buffering standards for all construction except single and two-family residential uses on individually platted lots, and to encourage the use of xeriscape, or low water usage landscape design. Standards are provided for interior landscaping, perimeter landscaping and buffering, and the maintenance thereof.

Section 25.780.2 PLANT MATERIAL AND DESIGN.

(a) Xeriscape Design. Unless impractical due to constraints of parcel size, topography, design or layout of existing or planned improvements, or other material factors, xeriscape materials, plantings, and methods shall be utilized. The principles, characteristics, and guidelines for xeriscape landscape design are identified in Appendix “A” attached hereto and made a part hereof.

(b) Quality. Plant materials used in conformance with the provisions of this Section shall conform to the standards for Florida No. 1, or better, as given in “Grades & Standards for Nursery Plants,” Part I, 1963 and Part II, State of Florida Department of Agriculture, Tallahassee, or equal thereto as approved by the City Manager or his designee.

(c) Trees. All trees shall be species having an average mature spread or crown of greater than fifteen (15) feet in the Temple Terrace area and having trunks which can be maintained in a clean condition over five (5) feet of clear wood. Trees having an average mature spread or crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15) foot crown spread at maturity. Immediately after planting, trees shall be a minimum of five (5) feet overall height and have a trunk four (4) inches or greater in diameter, when measured four (4) feet above the ground. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted. Those species of trees listed on the City’s recommended tree list shall be deemed to comply with the requirements of this Section.

(d) Shrubs and hedges. Shrubs shall be a minimum of two (2) feet in height when measured immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen within a maximum of two (2) years after time of planting.

(e) Vines. Vines shall be a minimum of thirty (30) inches in height immediately after planting and may only be used in conjunction with fences, screens or walls to meet physical barrier requirements as specified.

(f) Ground covers. Ground cover in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage, and shall be used with a decorative mulch such as pine or cypress bark or other organic material. In no instance shall stone or gravel be utilized.

(g) Lawn grass. Grass areas shall be planted in species normally grown in permanent lawns in the Temple Terrace area.

(Ord. No. 895, 5-2-95)

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EXHIBIT “A”

WATER EFFICIENT LANDSCAPING GUIDELINES

PURPOSE AND INTENT

(a) The purpose of these administrative guidelines is to establish the minimum standards for the development, installation, and maintenance of landscaped areas without inhibiting creative landscape design. These guidelines encourage specific water conservation measures including the preservation of natural vegetation where applicable. Implementation will aid in improving environmental quality and the aesthetic appearance of public, commercial, industrial, and residential areas. It is the intent of these guidelines to encourage resourceful planning to promote the public health, safety, and general welfare in the areas of water conservation and preservation.

(b) Creative site development concepts shall be used in order to promote water conservation. Water requirements may be reduced by providing for:

- (1) The preservation of existing plant communities;
- (2) The re-establishment of native plant communities;
- (3) The use of site specific plant materials;
- (4) Site development that retains stormwater runoff on site;
- (5) The use of concave topped berm design;
- (6) The use of water efficiency in landscaping; and
- (7) Other environmentally sensitive site development concepts.

(c) The land clearing/vegetation protection and preservation objectives are:

- (1) To reduce the use of irrigation water in open space areas by promoting the preservation of existing plant communities;
- (2) To prevent the removal of existing vegetation in advance of the approval of land development plans; and
- (3) To prevent the removal of existing vegetation when no comparable vegetation plan has been prepared for the site.

(d) To achieve the objectives of the City’s xeriscape landscape guidelines, the following seven basic principles of water efficient landscaping apply. These principles, listed below with detailed explanation, are included in Section 25.780.2 for the purpose of giving guidance and direction for the administration and enforcement of the standards contained herein:

- (1) Planning and Design
- (2) Soil Analysis
- (3) Appropriate Plant Selection
- (4) Practical Turf Areas

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- (5) Efficient Irrigation
- (6) Use of Mulches
- (7) Appropriate Maintenance

DEFINITIONS. For purpose of these guidelines, the following definitions shall apply:

(a) **Automatic Controller.** A mechanical or electronic timer, capable of operating valve stations to set the days and length of time of a water application.

(b) **Emitter (low volume).** Devices which are used to control the application of irrigation water. This term is primarily used to refer to the low flow rate devices used in microirrigation systems.

(c) **Existing Plant Communities.** All species currently existing on the site, excluding any vegetation listed as invasive by the Exotic Pest Plant Council or by the City Council.

(d) **Ground Cover.** Plants, other than turfgrass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

(e) **Infiltration Rate.** The rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour).

(f) **Irrigation System.** A permanent, artificial watering system designed to transport and distribute water to plants.

(g) **Landscaped Area.** The entire parcel less the building footprint, driveways, non-irrigated portions of parking lots, hardscapes such as decks, patios, pools, spas and other non-porous areas. Water features such as ponds are included in the calculation of the landscaped area.

(h) **Landscaping.** Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch or decorative paving materials).

(i) **Microirrigation (low volume).** The frequent application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Microirrigation encompasses a number of methods or concepts including drip, subsurface, bubbler, and spray irrigation, previously referred to as trickle irrigation, low volume, or low flow irrigation.

(j) **Mulch.** Non-living, organic or synthetic materials customarily used in landscape design to retard erosion and retain moisture.

(k) **Native Vegetation.** See Vegetation, Native.

(l) **Plant Communities.** A natural association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.

(m) **Rain Sensor Device.** A low voltage electrical or mechanical component placed in the circuitry of an automatic lawn irrigation system which is designed to turn off a sprinkler controller when precipitation has reached a pre-set quantity.

(n) **Runoff.** Water which is not absorbed by the soil or landscape to which it is applied and flows from the area.

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- (o) **Site Specific Plant.** A selection of plant material that is particularly well suited to withstand the physical growing conditions that are normal for a specific location.
- (p) **Soil Texture.** The classification of soil based on the percentage of sand, silt, and clay in the soil.
- (q) **Turf and/or Turfgrass.** Continuous plant coverage consisting of grass species suited to growth in Temple Terrace.
- (r) **Valve.** A device used to control the flow of water in the irrigation system.
- (s) **Vegetation, Native.** Any plant species with a geographic distribution indigenous to all, or part, of the State of Florida.
- (t) **Water Use Zone.** A grouping of sprays, sprinklers, or microirrigation emitters so that they can be operated simultaneously by the control of one valve according to the water requirements of the plants used.

DESIGN STANDARDS.

- (a) Planning and Design.
 - (1) Landscape plans submitted in accordance with this appendix will be reviewed and approved pursuant to the City's normal site specific review process.
 - (2) Landscape plans shall identify all vegetated areas to be preserved. Installed trees and plant materials shall be grouped together into zones according to water use needs as specified below. Plants with similar water and cultural (soil, climate, sun, and light) requirements shall be grouped together and irrigated based on their water requirements. The Southwest Florida Water Management District Plant Guide may be used for reference. The water use zones shall be shown on the Landscape Plan. All newly installed plants require regular, moderately applied watering for the first year to become established. Installed trees and vegetation shall be spaced and located to accommodate their mature size on the site. The Water Use Zones are as follows:
 - a. **High Water Use Zone (Oasis).** An area of the site limited to a maximum of fifty (50) percent of the total landscaped area. Plants and turf types which, within this area, are associated with moist soils and require supplemental water in addition to natural rainfall to survive. This zone includes shallow rooted turfgrass varieties.
 - b. **Moderate Water Use Zone (Draught Tolerant).** Plants which survive on natural rainfall with supplemental water during seasonal dry periods. This zone includes deep rooted turfgrass varieties.
 - c. **Low Water Use Zone (Natural).** Plants which survive on natural rainfall without supplemental water. Because of the relatively high water requirements of turfgrass, no presently available varieties are included in this category.
- (b) Soil Analysis.
 - (1) Soils will vary from site to site and even within a given site. A soil analysis based on random sampling is recommended. The soil analysis will provide information that will enable proper selection of plants and, if needed, soil amendments. When appropriate,

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soil amendments can achieve the health and growing capabilities of the landscape by improving drainage, moisture penetration, and a soil's water and nutrient holding capacity.

- (2) To ensure the proper selection of plants for the site, a soil analysis for the measurement of pH should be completed.
- (c) Appropriate Plant Selection.
- (1) According to Florida Statute, plant selection must consider prohibited invasive exotic plant species and controlled plant species. The following are recommended sources for appropriate plant selection:
 - a. The Southwest Florida Water Management District Plant Guide;
 - b. The City's Land Development Code, Section 25.735, Tree Removal and Trimming, Tables 1 and 3 for encouraged and prohibited plant species;
 - c. Hillsborough County Agricultural Extension Office;
 - d. Florida Department of Natural Resources.
 - (2) Landscape plans shall be designed to achieve the aesthetic effect desired and, most importantly, grouped in accordance with their respective water needs. Maximum water conservation can be achieved by selecting the appropriate plants that require a minimal amount of supplemental watering.
 - (3) Plant material shall be selected that is best suited to withstand the soil and physical growing conditions which are found in the microclimate of each particular location on a site.
- (d) Practical Turf Areas.
- (1) The type and location of turf areas shall be selected in the same manner as with all other plantings. Turf shall not be treated as fill-in material but rather as a major planned element of the landscape. Since many turf varieties require supplemental watering at frequencies different than the other types of landscape plants, turf shall be placed so that it can be irrigated separately.
 - (2) While turf areas provide many practical benefits in a landscape, how and where it is used can result in a significant reduction in water use. Turfgrass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, or provide soil erosion control such as on slopes or in swales; where turfgrass is used as a design unifier, or other similar practical use. Turf areas shall be identified on the Landscape Plan.
- (d) Efficient Irrigation.
- (1) Irrigation systems should be designed to correlate to the organization of plants into zones as described in (a) above.

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- (2) Retained trees, shrubs and native plant communities shall not be required to be irrigated, unless directed to do so by the City for the successful establishment of the landscape area. Turfgrass areas shall be irrigated on separate irrigation zones from trees, shrubs and ground cover beds.
 - (3) Reclaimed or non-potable water may be used for irrigation if an acceptable source is determined to be available by the Director of the Public Works Department.
 - (4) A rain sensor device or switch shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient rainfall. Said equipment shall consist of an automatic mechanical or electronic sensing device or switch which will override the irrigation cycle of the sprinkler system when precipitation has reached a preset quantity.
 - (5) The use of emitters (low volume) is required for trees, shrubs and ground covers so as to minimize irrigation overthrow onto impervious surfaces.
- (e) Use of Mulches.
- (1) Mulches applied and maintained at appropriate depths in planting beds will assist soils in retaining moisture, reducing weed growth, and preventing erosion. Mulch can also be used in places where conditions aren't adequate for or conducive to growing quality turf or ground covers.
 - (2) A layer of mulch to a minimum depth of three (3) inches shall be specified on the Landscape Plan in plant beds and around individual trees in turfgrass areas. Melaleuca mulch and recycled wood products are recommended. Mulch shall not be required in annual beds.
- (f) Appropriate Maintenance.
- (1) Landscapes shall be maintained to ensure water efficiency.
 - (2) Repair of irrigation equipment shall be done with the originally specified materials or their equivalents.

(Ord. No. 895, 5-2-95)

Section 25.780.3 PLAN APPROVAL.

Except for single or two-family residential uses, prior to the issuance of any permit for development under the provisions of this Chapter, a landscape plan shall be submitted to and approved by the Department of Community Services. The landscape plan shall be drawn to scale and shall include all pertinent dimensions and indicate clearly the existing and proposed parking spaces or other vehicular use areas, access aisles, driveways, hydrants, source of water supply for planting and the location and size of all landscape materials, including but not limited to, location of planting protective devices, the location and size of buildings, and shall designate plants by specific (genus and species) and common name and by location of the plant material to be installed or, if existing, to be used, in accordance with the requirements hereof. *(Ord. No. 1161, 2-21-06)*

Section 25.780.4 INSTALLATION.

All landscaping shall be installed in accordance with the landscape plan as finally approved prior to the issuance of a certificate of occupancy.

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Section 25.780.5 MAINTENANCE.

The owner or tenant and their agent(s) shall be jointly and severally responsible for the maintenance of all landscaping and landscaped areas which shall be so maintained as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. All landscaped areas shall be continuously maintained with an adequate, functional, automatic sprinkler system. Maintenance shall include replacement of dead and damaged plant material.

Section 25.780.6 REQUIRED INTERIOR LANDSCAPING.

(a) **Off-street parking areas.** Off-street parking areas in excess of five (5) spaces shall have at least ten (10) square feet of interior landscaping for each parking space, excluding those spaces abutting a perimeter for which landscaping is required by Section 25.780.7.

(b) **Other vehicular use areas.** Other vehicular use areas, including but not limited to, drive aisles, roadways, access points, and loading zones, which are integral to off-street parking areas and occupy more than one thousand-five hundred (1,500) square feet of space, shall have ten (10) square feet of landscaped area for each five hundred (500) square feet or fraction thereof. Said landscaping shall be placed along interior lines or elsewhere within the site provided no distance greater than one hundred-fifty (150) feet may exist between plantings.

Each required separate landscaped area shall contain a minimum of twenty-five (25) square feet and shall include shrubs, ground cover or other authorized landscaping material.

(c) **Trees.** Each development site shall have the equivalent of at least one tree for every two thousand-five hundred (2,500) square feet of parking area or vehicular use area. Each tree shall be planted in an area of at least twenty-five (25) square feet.

Section 25.780.7 REQUIRED PERIMETER LANDSCAPING.

(a) When an off-street parking area abuts or lies within twenty-five (25) feet of a public right-of-way:

(1) When an off-street parking area abuts a street right-of-way or lies, in whole or in part, within twenty-five (25) feet of a public right-of-way line, in any zoning district, except as provided for in paragraph (3) below (where right-of-way serves as a buffer between commercial and residential property), said parking area shall be buffered and landscaped along the entire parcel/right-of-way line by either:

- a. a three (3) foot high “landscape buffer,” or
- b. a three (3) foot high “modified solid buffer” or “modified wood fence buffer.”

All of the above buffers shall be designed with periodic breaks for pedestrian access. “Modified solid buffers” and “modified wood fence buffers” shall have an average one (1) shrub or vine, for each ten (10) linear feet, or fraction thereof; provided, however, that any such shrub or vine shall be planted along the street side of said buffers, unless it is of sufficient height at the time of planting to be readily visible over the tops of said buffers. Pathways through the buffers shall be constructed of concrete, asphalt, stepping stones or other hard surface materials.

(2) The side and rear property lines of lots, or parcels, containing off-street parking areas as described in paragraph (a)(1) above shall be separated from adjoining lots by three (3)

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foot high “landscape buffers” when the adjoining lots are non-residential, or by a full six (6) foot “solid buffer,” or “modified landscape buffer,” when the adjoining properties are zoned and used as residential. Exceptions: when the off-street parking areas contain less than twenty (20) spaces, or when cross-access/cross-parking agreements are in place, and the adjoining lots are non-residential there shall be no requirement for buffers or landscaping along side property lines.

- (3) The side and rear property lines of lots, or parcels, containing off-street parking areas as described in paragraph (a)(1) above; when such lots or parcels are separated from land zoned and used as residential by an intervening public or private roadway shall be further buffered from the neighboring residential areas by a six (6) foot “solid buffer” or “modified landscape buffer.” These buffers shall be designed with periodic breaks for pedestrian access as explained in paragraph (a)(1) above.

- (b) When an off-street parking area lies between twenty-six (26) feet and one hundred twenty-five (125) feet from a public right-of-way:

Whenever an off-street parking area lies in whole, or in part, between twenty-six (26) feet and one hundred twenty-five (125) feet, so long as no part is less than twenty-six (26) feet, from a public right-of-way in any zoning district, that perimeter of the parking lot fronting the public right-of-way shall contain a four (4) foot high “landscape buffer” contiguous to the parking lot front perimeter. This fronting “landscape buffer” must be extended around the sides and along the rear perimeters of the parking lot but only to the extent necessary to completely screen that part of the parking lot lying between twenty-six (26) feet and one hundred twenty-five (125) feet, from view by persons standing off-site along the public right-of-way.

- (c) When an off-street parking area lies, in its entirety, further than one hundred twenty-five (125) feet from a public right-of-way, no landscaping or buffering is required.

- (d) Perimeter landscaping and buffering requirements set forth above are in addition to interior landscaping requirements for parking lots and sites specified elsewhere in this Chapter.

Section 25.780.8 REQUIRED BUFFERING AND LANDSCAPING OF NON-RESIDENTIAL BUILDINGS FROM LAND ZONED AND USED AS RESIDENTIAL.

- (a) Where non-residential buildings, or other non-residential structures and facilities, (excluding commercial buildings and structures, and parking lots or other vehicular use areas), lie in whole, or in part, within seventy-five (75) feet of the property line of lots or parcels zoned and used as residential, those buildings or other structures or parts thereof within seventy-five (75) feet must be buffered from the residential property by a six (6) foot “landscape buffer,” a “solid buffer,” or a “modified landscape buffer” placed along the residential property line.

- (b) Where commercial buildings, or commercial structures and facilities lie in whole, or in part, within seventy-five (75) feet of the property line of lots or parcels zoned and used as residential, those buildings or structures or facilities or parts thereof within seventy-five (75) feet, must be buffered from the residential property by a “solid buffer,” or a “modified landscape buffer” placed along the residential property line.

- (c) Where non-residential buildings, or other non-residential structures and facilities, (including commercial buildings and structures, but excluding parking lots and other vehicular use areas) lie beyond seventy-five (75) feet, so long as no part is less than seventy-five (75) feet, from the property line of lots or parcels zoned and used as residential, those buildings or other structures or parts thereof less than one hundred-fifty (150) feet

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from residential property lines must be buffered from the residential property by a “landscape buffer” or “modified landscape buffer” placed within twenty-five (25) feet of the building or structure perimeter facing the residential property. The buffers so located shall be extended around the sides and rear of the building and structure but only to the extent necessary to screen those portions of the buildings and structures falling within twenty-five (25) feet and one hundred-fifty (150) feet from the property line and visible to persons standing along the common property line.

Section 25.780.9 REQUIRED BUFFERING AND LANDSCAPING OF “OTHER VEHICULAR USE AREAS.”

(a) When loading areas and zones are located on non-residential property within twenty-five (25) feet of the property line they shall be screened from view by persons standing off-site. The screen provided shall consist of fencing, walls and/or landscaping placed along the property line so that at least seventy-five (75) percent of the loading area is masked from view.

(b) Where loading areas and/or zones are between twenty-six (26) feet and one hundred twenty-five (125) feet from the property line, the required buffer screen shall be placed within twenty-five (25) feet of the perimeter of the loading area facing the property line and shall be extended around the sides and to the rear of the loading area, but only to the extent necessary to screen the loading area from view by persons standing off-site.

(c) When internal roadways or drive aisles, or parts thereof, are present, not integral to on-site parking areas, and lie within seventy-five (75) feet of adjacent non-commercial property lines, they shall be landscaped with hedges thirty-six (36) inches in height. The hedges at time of planting shall be no less than two (2) feet in height provided they are of a species known to be capable of reaching three (3) feet within one (1) additional year. The hedges shall be planted within five (5) feet of, and parallel with the roadway.

(d) When internal roadways or drive aisles, or parts thereof, are present, not integral to on-site parking areas, and lie between seventy-six (76) feet and one hundred-fifty (150) feet from adjacent non-commercial property lines, they shall be landscaped or buffered to screen vehicle headlight impact points and areas to prevent light trespass whenever it occurs along the lot and parcel perimeter boundaries. The screens shall consist of walls, fence lines or hedge rows not less than forty-eight (48) inches in height. If walls or fence lines are used, they shall be landscaped with one (1) vine or shrub for each ten (10) feet of wall or fence.

Section 25.780.10 LANDSCAPING, BUFFERING, AND SCREENING OF PUBLIC OR PRIVATE UTILITY STRUCTURES AND/OR FACILITIES INCLUDING SECURITY FENCING.

Public or private utility structures and/or facilities: including but not limited to telephone switching facilities, electric generation, or transmission facilities, sanitary sewer lift stations, water supply or irrigation wells, pumps or meters; which, for security, safety, aesthetics, or other reasons require fencing, shall be enclosed on all sides by a minimum four (4) foot “modified solid buffer” or “modified wood fence buffer.” Four (4) foot chain link fences may be used in lieu of the foregoing, provided the fence is integrated as part of a “modified landscape buffer” on all exterior sides, except where gates providing pedestrian or vehicular access are located. The City Engineer shall determine the needs for fencing public utility structures and/or facilities and may modify the height or fencing as he deems necessary.

If a privately-owned infrastructure, as mentioned above, is not fenced, stands to a height of more than two and one-half (2-1/2) feet, and is within seventy-five (75) feet of the property line, it must at a minimum be landscaped on all exterior sides. Landscaping shall include at least one (1) bush or shrub for each five (5) linear feet of perimeter. For purposes of this Section, an “exterior” side is any side facing a public right-of-way or publicly owned or used land.

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Section 25.780.11 LANDSCAPING, BUFFERING AND SCREENING OF RETENTION AND DETENTION BASINS INCLUDING SECURITY FENCING.

(a) Where side slopes of either wet and dry retention or detention ponds are steeper than four-to-one (4:1), a non-climbable fence, or wall, including chain link, at least four (4) feet high shall be installed. All chain link fences shall be constructed with a six (6) inch gap at the bottom to permit wildlife access. The bottoms of chain link fences shall be laced with stainless steel tension wire to resist lifting and expansion of the gap. The fence or wall shall contain a gate opening of eight (8) feet, double swing, and shall be kept locked at all times. Decking or other kinds of pond coverings are permissible when approved by the City Engineer.

(b) Where a fence or wall is required, it shall be centered on a ten (10) foot wide maintenance area adjacent to the top of the bank. Every point on the maintenance area shall be at, or above, the elevation of the top of the bank. The cross slope of the maintenance area shall be no steeper than 4:1. All fences and walls shall be landscaped with trees at a dispersal rate of one (1) tree per forty (40) linear feet of fence or wall, or fraction thereof. Trees may be planted along either the inside or the outside of the fence or wall along all sides. Additionally, exterior faces of every wall shall be landscaped with one (1) shrub or vine for each ten (10) linear feet of wall. For purposes of this Section, an exterior side (face) is a side abutting a public right-of-way or other publicly-owned or used land. If chain link fences are used, the chain link fence must be integrated into a “modified landscape buffer” on all exterior sides.

Section 25.780.12 FENCING AND LANDSCAPING OF DUMPSTERS.

All solid waste refuse containers, i.e., “dumpsters,” shall be screened by concrete or wood enclosures having a depth of not more than eight (8) feet, with walls not exceeding six and one-half (6-1/2) feet in height, and minimum openings of ten (10) feet. Enclosures not meeting the above criteria shall have a minimum twelve (12) foot opening. Modifications to the above standards, or additional standards may be adopted and approved by the Director of Public Works.

Section 25.780.13 SIGHT DISTANCE FOR LANDSCAPING AND BUFFERING ADJACENT TO PUBLIC RIGHT-OF-WAY AND POINTS OF ACCESS.

When an access way intersects a public right-of-way or when the subject property abuts the intersection of two (2) or more public rights-of-way, all landscaping and buffering within the triangular areas described below shall allow unobstructed, cross-visibility between the level of three (3) and six (6) feet; provided, however, trees having limbs and foliage trimmed so that no limbs or foliage extend into the cross-visibility area shall be allowed, and provided further, such trees shall be located so as not to create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than one and one-half (1-1/2) feet from the edge of any access way pavement. The triangular areas referred to above are:

(a) The areas of property on both sides of an access way formed by the intersection of each side of the access way and public right-of-way lines with two (2) sides of each triangle being twenty (20) feet in length from the point of intersection and the third side being a line connecting the ends of the two sides;

(b) The area of property formed by the intersection of two (2) or more public rights-of-way with two (2) sides of the triangular area being thirty (30) feet in length along the abutting right-of-way lines, measured from their point of intersection and the third side being a line connecting the ends of the two (2) lines.

Section 25.780.14 EXISTING PLANT MATERIAL.

In instances where healthy plant material exists on a site prior to its development, in part or whole, the City Manager or his designee may adjust the application of the above mentioned standards, to allow credit for such plant material if, in his opinion, such an adjustment is in keeping with and will preserve the intent of this Section.

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Section 25.780.15 ABOVE-GROUND PORTABLE PLANTERS.

Up to twenty-five (25) percent of the required area for landscaping may consist of above-ground portable planters, provided that such planters are of sufficient size and quality to support and protect the landscaping to be placed in such planter.

(Ord. No. 420, 4-7-81; Ord. No. 520, 8-7-84; Ord. No. 618, 6-2-87; Ord. No. 727, 4-17-90; Ord. No. 797, 2-4-92; Ord. No. 895, 5-2-95).

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