

FILED FOR RECORD
R. B. SHORE

ORDINANCE 08-67

2008 OCT 16 PM 1:09 **PARRISH COMMERCIAL VILLAGE OVERLAY DISTRICT**

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED) TO CREATE A NEW ZONING OVERLAY DISTRICT – “PARRISH COMMERCIAL VILLAGE (PCV)” – AND AMEND THE LAND DEVELOPMENT CODE TO EFFECTUATE THAT ZONING DISTRICT; INCLUDING AMENDMENTS TO CHAPTER 2 – DEFINITIONS; CHAPTER 6 – ZONING DISTRICTS; FIGURE 6-1, USE CHART; FIGURE 6-2, SCHEDULE OF AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This ordinance is enacted to carry out the purpose and intent of and exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners relies upon the following findings for the adoption of this ordinance:

1. County has initiated a zoning text amendment to amend the Land Development Code to establish a new Zoning Overlay District to be known as the “Parrish Commercial Village” (PCV) Overlay District; and

2. The Parrish community exhibits a unique rural, historical character, which members of the community want to encourage through compatible site and building design standards in future commercial development along U.S. 301; and

3. The Parrish community seeks to provide an administrative permit approval process for appropriately scaled commercial, mini-warehouse, and multi-family development along U.S. 301 that meets specified site and building design standards; and

4. The Parrish community seeks to encourage and promote establishment of functional building-to-street interaction, outdoor gathering spaces, pedestrian-friendly places, conveniently located pathways, parking away from U.S. 301, and increased accessibility for a range of travel modes; and

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5. The Planning Commission as the County's local planning agency has held a duly noticed public hearing on August 14, 2008 to review proposed Ordinance 08-67 and adopted a motion finding this proposed ordinance consistent with the Comprehensive Plan and recommending its adoption to the Board of County Commissioners; and

6. The Board of County Commissioners held the first duly noticed public hearing on August 19, 2008 on proposed Ordinance 08-67 to receive public comment and to review and consider the Staff Report and the report of the Planning Commission on this proposed ordinance; and

7. The Board of County Commissioners had a second duly noticed public hearing on October 2, 2008 to receive additional public comment and review and consider the recommendation of Planning Commission and Planning staff for this proposed ordinance.

8. The Board of County Commissioners, after considering public comment, the recommendations of the Planning Commission and Planning staff, has found proposed Ordinance 08-67 consistent with the Comprehensive Plan and in furtherance of the public health, safety and welfare and has adopted this ordinance as set forth herein.

Amendment to Chapter 2, Definitions and Rules of Construction, Section 201, Definitions of Land Development Code. The Code, Chapter 2 is hereby amended as follows:

Section 201. Definitions.

Building Footprint shall mean the two-dimensional area at grade level of a building as measured at the outer perimeter of the structure from the exterior surfaces of the exterior walls. Where a building is elevated above grade level, the building footprint is the area the building would cover if it were located at grade level. In the Parrish Commercial Village Overlay, the building footprint shall not include a one-story covered, unenclosed front porch; canopied patio; one-story gallery or walkway; porte-cochere, etc., even if covered by metal, asphalt, tile, or other permanent roof materials.

* * *

Outdoor Gathering Space shall mean a plaza, patio, porch, gallery or promenade; green space; or focal elements such as water features, public art, and public gardens in non-residential developments that are appropriate for public gathering, outdoor dining, farm markets, seasonal events, vendor carts, kiosks, and other outdoor activities. Outdoor gathering space shall not mean parking facilities. A public garden is one that is identified with signs or other educational materials (e.g., butterfly or demonstrational gardens) and open to the public.

(Addition to text indicated by underline; deletions by ~~strikeout~~).

Section 4. Amendment to Chapter 6, Land Development Code. Chapter 6 of the Code is hereby amended revise Figures 6.1, the Schedule of Permitted, Administrative and Special Permit Uses to add reference to specific uses in the Parrish Commercial Village Overlay District (PVC). Said amended Figure 6.1 shall provide in pertinent part as follows:

Figure 6.1 - Commercial Uses – Services:

	<u>VIL</u>
Professional Office	AP
Medical and Dental Laboratories	AP
Printing, Small	P
Printing, Medium	P

AP	=	Administrative Permit
P	=	Permitted

Section 5. Amendment to Chapter 6, Land Development Code. Chapter 6 of the Code is hereby amended to revise Figure 6.2, Schedule Area, Height, Bulk and Placement Regulations to add Footnote “G” regarding the Parrish Commercial Village Overlay District (PCV). Said amended Figure 6.2 shall provide in pertinent part as follows:

Figure 6.2 – Schedule of Area, Height, Bulk and Placement Regulations

	Maximum Density	Minimum Zoning Lot Size		Required Yards			Max FAR	Max Height	Minimum Unit Floor Area(a)	Minimum Open Space
		Sq. Ft./ DU	Width	Front(9)	Side	Rear				
VIL										
Other Allowed Uses (G)										

(G) For commercial properties in the Parrish Commercial Village Overlay District, also see *Section 604.11. PCV—Parrish Commercial Village Overlay District.*

Section 6. Amendment to Chapter 6, Land Development Code. Chapter 6 of the Code is hereby amended to create a new Section 604.11, entitled: “PCV – Parrish Commercial Village Overlay District.” Said new Sections 604.11.1 through 604.11.6.4 shall provide as follows:

604.11 PCV—Parrish Commercial Village Overlay District

604.11.1 Purpose and Intent.

The Parrish Commercial Village (PCV) Overlay District is established to provide an administrative approval process as an incentive for appropriately scaled and compatible commercial development along U.S. 301. The purpose of this Section includes:

- A. Provide a vehicle for applications meeting the standards of the underlying zoning district and this section to obtain approval by Administrative Permit by compliance with Final Site Plan standards;
- B. Promote new and renovated commercial development that will be harmonious with the existing Parrish community and its evolving vision for its future;
- C. Provide standards for building placement, architecture, landscaping, and signs for commercial development that enhance the community by being visually distinctive and drawing from the historic, rural heritage of the Parrish community, while remaining flexible enough to encourage creativity and diversity;
- D. Encourage the establishment of functional outdoor gathering spaces at appropriate places in the Parrish community;
- E. Create pedestrian-friendly places, conveniently located pathways, and increased accessibility for a range of travel modes that contribute to the character of individual sites and the overall built environment in Parrish; and
- F. Promote building-to-street interaction and greater visibility of businesses by encouraging parking to be located away from U.S. 301, ideally at the side or rear of non-residential buildings.

604.11.2. Applicability. The PCV Overlay requirements apply to commercial, multi-family, mini-warehouse, and mixed use developments with a commercial component that require Final Site Plan approval. The provisions of this section are intended to supplement the regulations in this Code. In the event of a conflict between other provisions of the Code and this Section, the more restrictive of the provisions shall prevail unless where specifically provided otherwise. The provisions of this Section shall apply to:

- A. The geographic area outlined in the Official Zoning Atlas as the PCV Overlay.
- B. All new Development and Substantial Improvements, as defined in this Code.

Nothing herein shall prevent a property owner from requesting Specific Approval, in accordance with Section 603.3., to provide an alternative to the requirements of this section. It is further recognized that there may be circumstances where property

configuration prohibits complete compliance with these requirements. Additionally, it is recognized that dedications to the public may place constraints upon projects in the planning process at the time of adoption of this ordinance. These factors may be found to be adequate justification for granting Specific Approval as determined by the Board of County Commissioners.

604.11.3. Exemptions. The following development is exempt from the standards of the PCV Overlay District:

A. Development that has obtained General Development Plan, Preliminary Site Plan or Plat approval prior to January 1, 2009.

B. Structures and uses that do not require Final Site Plan approval, as specified under Section 508.4.3.1.

C. Projects with a valid Final Site Plan as of January 1, 2009.

D. Structures for which building permit applications have been received prior to January 1, 2009.

E. Community Service Uses, Open Uses of Land, Recreation Uses, Residential Uses except Multi-Family Uses, Residential Support Uses, and Transportation Facilities.

F. Historical sites or districts as designated by federal, state, or county governments or other structures deemed by Manatee County to be culturally or architecturally significant, including those historic structures on the Florida Master Site File identified in the Survey Report, Manatee County Historical Structures Survey, Phase I Project, prepared for Manatee County, dated August 29, 2008, a copy of which is on file at the Planning Department.

604.11.4. Site Design

604.11.4.1. Orientation. Buildings adjacent to U.S. 301 shall have the main entrance facing U.S. 301.

604.11.4.2. Access. To minimize access points onto U.S. 301, shared access shall be provided whenever appropriate as determined by the Planning Director and permitted by FDOT. Stub-outs for driveways and a cross access easement may be required to accommodate future shared access as a condition of site plan approval. Where stub-outs for shared access have been provided by adjacent property, the owner of the subject property shall connect to the shared access unless substantial evidence can be provided that the two uses are incompatible due to health, safety, or welfare concerns or that connection to the shared access substantially limits proposed development of the site in question. Shared access may or may not be accompanied by a combined or shared off-street parking plan pursuant to Section 710.1 as determined by the Planning Director.

604.11.4.3. Dimensional Requirements. Commercial, multi-family, mini-warehouse, and mixed use projects containing a commercial component in the PCV Overlay shall meet the following dimensional standards:

604.11.4.3.1. Lot Size and Width

Minimum Lot Size: 10,000 sq. ft.
Minimum Lot Width: 100 feet

604.11.4.3.2. Building Height

Maximum Height: 35 feet

604.11.4.3.3. Building Footprint:

Maximum Building Footprint: 5,000 sq. ft. without Special Approval (subject to Comprehensive Plan limitations effective at time of Final Site Plan approval)

604.11.4.3.4 Setbacks

604.11.4.3.4.1 Front Yard Setbacks along U.S. 301

The front yard setback shall be 25 feet. This may be reduced by the Planning Director to 10 feet along U.S. 301 provided:

a) A porch or gallery is provided that extends across forty (40) percent or more of the building frontage and is at least ten (10) feet wide or deep, or

b) An outdoor gathering space is provided between U.S. 301 and the building or on the side of the building that includes frontage along U.S. 301 equal to forty (40) percent of the building's frontage and is a minimum of ten (10) feet deep, and the design includes street furniture such as benches, tables, or resting area for customers or the general public or a fountain, public art, or other visual focal point for the enjoyment of customers and the general public.

604.11.4.3.4.2 Other Setbacks

Front: 8 feet for corner lots on local roads intersecting with U.S. 301 15 feet on local roads not intersecting with US 301
Side: 8 feet except when adjacent to residential uses or zoning, except as may be waived by the Planning Director for joint outdoor gathering spaces
25 feet when adjacent to residential uses or zoning
Rear: 15 feet except when adjacent to residential uses or zoning
25 feet when adjacent to residential uses or zoning

604.11.4.3.5 Open Space

Minimum Open Space: 20%

604.11.4.4. Parking.

604.11.4.4.1 Single Row Only

In no case shall parking in front of the building adjacent to U.S. 301 exceed a single loaded, single row.

604.11.4.4.2 Parking Setback

Except for the single row of parking allowable by 604.11.4.4.1 above, all parking along U.S. 301 must be located behind the required 25' front yard building setback. However, if the building setback is ten (10) feet as permitted by 604.11.4.3.4.1, the parking setback may also be reduced to 10 (feet) as long as the width of the parking area along U.S. 301 does not exceed fifty (50) percent of the lot width. Any remaining parking must be setback twenty-five (25) feet from U.S. 301.

604.11.4.5. Pedestrian and Non-motorized Circulation.

Walkways shall be provided to link the building main entrance directly to the street. Walkways shall be functionally separated from parking lots and driveways, except where they cross driveways or parking areas. Pavers, texturing, or color changes shall be used to differentiate walkways at driveways.

Buildings shall be linked to one another by a secondary walkway system. Public sidewalks may be considered part of the walkway system if they provide convenient pedestrian connections between structures.

604.11.4.6 Landscape Design Standards.

Landscaping shall conform to the requirements of Section 713, Visibility Triangles, and Section 715, Landscape and Screening Standards, including. However screening buffers shall not be required between properties with adjoining outdoor gathering areas. In addition, buffers may not impede pedestrian or bike circulation along roadways or between parcels.

604.11.4.6.1. Roadway Buffers.

A roadway buffer is required along U.S. 301.

Buffer Option	Width	Required Plantings per 100 LF		
		Canopy	Understory	Shrubs
"A"	10 feet	2	2	20 ^{1,2}

"B"	25 feet	3	4	50 ^{1,3}
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Plant Standards	Height	Width	Caliper
Canopy Trees	12 feet	6 feet	3 inches
Understory/Accent	6 feet	36 inches	2 inches ⁴
Shrubs ³	18-24 inches	18 inches	-

Notes:

¹ Where parking areas are adjacent to the required buffer, a continuous hedge shall be required with shrubs planted at an appropriate spacing. The hedge may count towards the required shrubs for the selected buffer option.

² Once the minimum tree and shrub quantity requirements are met, the remaining space may be planted with additional shrubs or ornamental grasses but not turf grass.

³ Once the minimum tree and shrub quantity requirements are met, the remaining space may be planted with additional shrubs or ornamental grasses. Turf grass may be used as well.

⁴ No minimum caliper if multi-trunk form.

Option A may be used:

- a) Where a qualified outdoor gathering space is provided as determined by the Planning Director and parking areas at the side of the building occupy less than fifty (50) percent of the U.S. 301 roadway frontage; or
- b) Where no more than a single row of parking is proposed between U.S. 301 and the building.

In all other instances, Option "B" shall be utilized.

604.11.4.6.2. Additional Landscaping Design Considerations.

Planting Arrangement. In required landscape areas, tree plantings shall be staggered and clustered in natural arrangements rather than in long, straight, formal arrangements. View corridors to buildings or ground signs are encouraged.

Plant Selection. Plantings in required landscape areas shall be with plant species that are native or naturalized to Florida. Landscape plant material shall be a minimum Florida No. 1 Nursery Grade, as identified in Grades and Standards, Florida Department of Agriculture. All required landscape areas shall retain existing native trees, shrubs, ground cover, and grasses to the greatest extent possible. Existing trees and shrubs meeting the minimum standards of Section 715 may be counted towards fulfilling planting requirements. Native plant species typical to the vegetative communities found in non-coastal Manatee County shall be encouraged.

604.11.5 Building Design

Buildings shall be designed in accordance with the requirements in this section and any adopted Parrish Commercial Village Design Manual. The Board of County Commissioners may adopt by resolution a Parrish Commercial Village District Design Manual to clarify and illustrate the design alternatives of the PCV District. This PCV Design Manual may be amended from time-to-time by the Board of County Commissioners by Resolution. Amendments to the PCV Design Manual may be made to reflect the design concept of a particular project, provided that sufficient detail is provided to enable adequate review of the concept as applications are made.

604.11.5.1. Architectural Styles. The following architectural styles, which reflect the historic and rural characteristics of Parrish, shall be used in the Parrish Commercial Village District.

A. *Cracker.* Cracker is a traditional architecture typically found in the rural areas of Florida. Elements of the Cracker style include:

- Large open porches (Generally with a lower pitch than main roof)
- Simple trim – Corner boards, fascia boards, window and door surrounds
- Horizontal siding
- Large window openings
- Metal or flat shingle hip or gable roofs
- Shed dormers
- Cupolas or roof monitors (Preferably functional, rather than decorative)

B. *Folk Victorian.* The Folk Victorian style combines simple building forms with the use of decorative detailing. Typical elements include:

- Porches with spindle work or jigsaw cut trim
- Horizontal or brick siding
- Architectural details along eaves and gable edges
- Steeply pitched hip or gable roofs
- Side or front gables
- Multiple cross gables
- Brackets under eaves

C. *Florida Ranch.* The Florida Ranch style borrows elements from a variety of other architectural styles. In particular, it is heavily influenced by folk architectural styles such as Cracker combined with Colonial and Victorian styles but not Mediterranean or Spanish Colonial Revival. Elements reflective of this style may include:

- Low buildings
- Walls of brick, stucco, stone, or horizontal or vertical siding
- Simple trim and shutters
- Metal or flat shingled hip or gable roofs or flat roofs with parapets

Wide overhanging eaves

D. Roof Materials and Design. Hip and gable roofs are preferred. Shed roofs are permitted. Flat roofs, with staggering heights, are permitted if the parapet wall fully screens all rooftop mechanical equipment, as viewed from adjacent properties. Mansard roofs shall not be used.

Standing seam metal or traditional shingle roofs are preferred within the Parrish Commercial Village Overlay District. Roofs may be clad with flat ceramic or cement tile with the appropriate style of architecture, but not barrel or ribbed tile.

Except as may otherwise be permitted by the design manual.

604.11.5.2. Massing. Reducing the perceived mass of the building and creating interesting building design shall be achieved by application of two or more of the following architectural features or treatments:

- a) Canopy, awnings, or roofed promenade spanning a minimum of thirty-five (35) percent of the wall length. Minimum pedestrian clearance height within the first story walkway shall be twelve feet;
- b) Horizontal shifts in walls equal to or greater than four feet with a shift or alteration in the roof design;
- c) Roofs that have a pitch of 4:12 or greater with multiple articulation.
- d) Vertical shifts of single run of ridge, cornice, or fascia that include a transition in height equal to or greater than four feet; and
- e) Cupolas or similar roofline features reflective of Cracker or Folk Victorian architecture.

604.11.5.5. Additional Architectural Design Considerations. Regardless of architectural style, the following principles shall be taken into consideration in reviewing building design:

A. Consideration shall be given to compatibility in style, materials, rooflines, colors, and other finishes with adjacent buildings that also meet the general site and building design criteria of these regulations.

B. Materials on all façades (except windows) shall be limited to pre-cast concrete, decorative concrete block, stucco, quarried stone, cast stone, brick, wood, and wood-like materials.

C. Building color shall be compatible with the neighborhood. Muted shades shall be used for the primary building façades and roof. Non-vibrant, richer or

complementary, hues shall be used for architectural accents such as doors and shutters.

D. Accessory uses shall match the principal building(s) in form, materials, color, and detailing.

E. Tenant-specific building styles or motifs that are inconsistent with the architectural style of the Parrish Commercial Village Overlay District are prohibited.

F. Neon or tube lighting, exposed or concealed, shall not be used for architectural accent purposes, such as outlining architectural features.

G. Awnings shall not be backlit or otherwise illuminated from behind unless the awning fabric is completely opaque.

H. Any window glazing shall be clear or lightly tinted glass with a visible light transmittance factor of 0.6 or higher. The use of reflective, translucent, or mirrored windows is prohibited.

604.11.6. Signs

604.11.6.1. Prohibited Signs. In addition to signs prohibited in Section 724, the following signs not representative of the character of the Parrish Commercial Village District are prohibited:

Pole Signs

Electronic Message Center Signs

Neon signs, except for those designed within the overall allowable area for signage and occupying no more than 4 square feet of sign area individually and a total of 12 square feet cumulatively; neon may not be used for architectural accent purposes.

Florescent Signs

604.11.6.2. Ground Signs. In addition to the standards provided in Section 724, ground signs shall be limited to a monument sign six (6) feet in height and no more than thirty-two (32) square feet.

A ground sign may be shared by multiple businesses located separately on individual lots or parcels. The shared ground sign may be located on the lot or parcel of any of the businesses in lieu of a ground sign on the lots of the other businesses sharing the sign. Shared signage shall be limited to a monument sign six (6) feet in height and no more than sixty (60) square feet.

The design of ground signs and their support structures shall be consistent with the style of the primary building onsite and use natural elements, such as stone, wood, or similar materials.

604.11.6.3. Wall, Gallery, or Awning Signs. Wall signs shall be limited to no more than thirty-two (32) square feet per façade and be limited to wall surfaces parallel to the roadway frontage and parking areas. Where two or more non-residential buildings are located on the subject property, wall signs shall not exceed twenty (20) square feet per building and up to sixty (60) square feet total.

Signs painted on, attached to, or otherwise permanently displayed on a canopy or awning shall be allowed, provided no such sign exceeds twenty (20) percent of the area of each awning or canopy (top plus all sides). Such signs shall count towards the maximum allowable wall signage for the building.

604.11.6.4. Hanging Signs. In addition to allowable wall and ground signs, buildings containing a porch, gallery, or promenade may erect one (1) hanging sign per covered building entrance. Hanging signs must not project beyond the footprint of the gallery, canopy, or awning and must be rigidly fixed (no swinging parts) to the underside of the structure. No individual hanging sign shall exceed six (6) square feet in area. Minimum pedestrian clearance of eight (8) feet shall be provided below the sign.

Section 5. Severability. If any section, sentence, clause or other provisions of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to rendered invalid or unconstitutional the remaining sections, sentences, clauses or provisions of this ordinance.

Section 6. Codification. The publisher of the County's Land Development Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3 through 4 of this Ordinance into the Land Development Code.

Section 7. Applicability. The amendments set forth in this ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 8. Effective Date. This ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 2nd day of October, 2008.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: *Jane von Hahmann*
Jane von Hahmann, Chairman

**ATTEST: R.B. SHORE
Clerk of the Circuit Court**

By: *Susan D. Kouze*
Deputy Clerk



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 2nd day of October, 2008
R.B. SHORE
Clerk of Circuit Court
By: *Wabi J. Smedley*



FLORIDA DEPARTMENT of STATE

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CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA
KURT S. BROWNING
Secretary of State

October 13, 2008

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Diane E. Vollmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 8, 2008 and certified copies of Manatee County Ordinance Nos. 08-70, 08-67, PDC-05-57 (P) and PDC-05-79 (Z) (P), which were filed in this office on October 10, 2008.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

[Handwritten signature: Liz Cloud]

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE
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