

ORDINANCE NUMBER 2010-03

AN ORDINANCE AMENDING SECTION 2.03.02 OF THE WALTON COUNTY LAND DEVELOPMENT CODE TO ADOPT THE GULF TRACE NEIGHBORHOOD PLAN AS AN OVERLAY DISTRICT; ESTABLISHING A DEFINED BOUNDARY; ESTABLISHING THAT THE INTENT OF THE PLAN IS TO PRESERVE THE RESIDENTIAL CHARACTER OF THE GULF TRACE NEIGHBORHOOD AND TO ENSURE THE CONTINUED STABILITY OF THE SUBDIVISION; ESTABLISHING DEVELOPMENT STANDARDS; ESTABLISHING PROVISIONS FOR PERMITTED USES, MINIMUM AND MAXIMUM LOT SIZES, MINIMUM AND MAXIMUM UNIT SIZES, SETBACKS, BUILD-TO-LINES, LOT COVERAGE, BUILDING HEIGHT, ALLOWABLE DENSITIES AND ACCESSORY STRUCTURES, PROHIBITED USES, PROHIBITED STRUCTURES, PARKING REQUIREMENTS, PARKING RESTRICTIONS, LANDSCAPE GUIDELINES, BEACH ACCESS AREAS, GARBAGE AND WASTE CORRAL DESIGN STANDARDS, NOISE RESTRICTIONS, OUTSIDE LIGHTING REQUIREMENTS, SIGNAGE STANDARDS, AND VARIANCE NOTIFICATION PROCEDURES; ESTABLISHING RESTRICTIONS ON FURTHER SUBDIVISION OF LOTS; ESTABLISHING PROVISIONS FOR LEGAL NON-CONFORMITIES; PROVIDING FOR THE INCORPORATION OF THE GULF TRACE NEIGHBORHOOD PLAN AS APPENDIX NP-4 TO THE WALTON COUNTY LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, F.S. delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizens; and

WHEREAS, Sections 163.3201 and 163.3202, Florida Statutes, require local governments to implement the provisions of their comprehensive plans through the adoption of land development regulations; and

WHEREAS, Walton County has adopted a Land Development Code in accordance with these statutes to ensure the County's orderly growth and development; and

WHEREAS, Walton County, to ensure the County's continued orderly growth and development, finds it prudent to amend its Land Development Code to respond to the changing needs and conditions within said county; and

WHEREAS, it is the intent of the Walton County Comprehensive Plan to encourage the preparation of neighborhood plans to guide development within Neighborhood Planning Areas; and

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MARTHA INGLE, WALTON COUNTY
CLERK OF COURT
DEPUTY CLERK K DOUGLASS
#2

2010-03

WHEREAS, it is the further intent of the Walton County Local Comprehensive Plan to actively involve residents of neighborhoods in the preparation of neighborhood plans; and

WHEREAS, the Walton County Land Development Code Section 2.03.02 provides a process for citizen based neighborhood planning efforts to create a Neighborhood Plan for adoption as an overlay district by amendment to the Walton County Land Development Code; and

WHEREAS, adopting neighborhood plans as part of the Land Development Code as overlay districts will expedite the neighborhood planning process and thereby better promote citizen-based planning; and

WHEREAS, the Gulf Trace Neighborhood Planning Group (NPG.GT) has registered with Walton County as Neighborhood Planning Groups in accordance with Walton County Land Development Code Section 2.03.02.B.1., as of October 14, 2008; and

WHEREAS, the Gulf Trace Neighborhood Planning Group has expended a significant amount of time and effort toward developing a neighborhood plan consistent with the intent of the procedures contained in Walton County Land Development Code Section 2.03.02; and

WHEREAS, the Gulf Trace Neighborhood Planning Group (NPG.GT), in accordance with Walton County Land Development Code Section 2.03.02.E, is a group undertaking a Neighborhood Plan in accordance with the process at LDC Section 2.03.02.B.; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, that the Walton County Land Development Code be amended as follows:

Section 1: Amendment.

Section 2.03 of the Walton County Land Development Code is hereby amended as follows:

2.03.06. Gulf Trace Neighborhood Plan (NP.GT).

- A. The Gulf Trace Neighborhood Plan (NP.GT) is an overlay district with specific standards that govern development within the boundary of the Gulf Trace neighborhood.
- B. The boundary of the overlay district includes the following recorded plats in Walton County:
Gulf Trace Subdivision as recorded in as recorded in Plat Book 5, Page 44;
and The Gulf Trace First Addition as recorded in Plat Book 5, Page 73. It is bounded

by the Gulf of Mexico to the south, and is surrounded on the east, west and north by state-owned land managed as part the Grayton Beach State Park.

Section 2: The Gulf Trace Neighborhood Plan (NP.GT), included in this ordinance as Attachment A, is hereby incorporated into the Walton County Land Development Code as Appendix NP-4.

Section 3. Severability.

Should any word, phrase, sentence, or section of this ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this ordinance, and the remainder of the ordinance shall remain in full force and effect.

Section 4. Effective Date.

This ordinance shall take effect as provided by law.

Duly enacted by the Board of County Commissioners of Walton County, Florida, at a regular meeting on the 23rd day of Feb, 2010.

BOARD OF COUNTY COMMISSIONERS
WALTON COUNTY, FLORIDA

Attest:



Martha Ingle
Clerk of Court



Scott Brannon, Chair

Attachment A – The Gulf Trace Neighborhood Plan (NP.GT)



The Gulf Trace Neighborhood Plan

INTRODUCTION

The primary purpose of this Neighborhood Plan is to preserve the existing residential and natural character of the neighborhood and to ensure the continued stability of the Gulf Trace Subdivision. In order to achieve this purpose, this Neighborhood Plan establishes the development standards contained within this document.

This Neighborhood Plan was developed in accordance with the Walton County Comprehensive Plan and Land Development Code. Walton County encourages the preparation of Neighborhood Plans to guide development within Neighborhood Planning Area Future Land Use Districts. In 2008 Walton County adopted a Neighborhood Planning Ordinance to allow such plans to be adopted as overlay districts in its Land Development Code, thereby expediting the Neighborhood Plan approval process and promoting these citizen-based planning efforts. Walton County's requirements for Neighborhood Plans are contained in the Walton County Land Development Code.

The Gulf Trace Neighborhood Plan applies to The Gulf Trace Subdivision as recorded in Plat Book 5, Page 44; and The Gulf Trace First Addition as recorded in Plat Book 5, Page 73. The area included in this Neighborhood Plan is further described in the Development Standards portion of the Plan and is illustrated in Figure 4. This area is hereinafter referred to simply as "The Gulf Trace Neighborhood."

PAST DEVELOPMENT PATTERNS

The original 27 acres that was to become the Gulf Trace Subdivision was homesteaded by the Savelle family. In 1979, James E. Ray with Dr. Arnie Covell and James Taylor purchased the property from the Savelle family. The original covenants were written in 1980 and two amendments were added in 1981. Mr. Ray built the first home in Gulf Trace and it was completed in November of 1980. The Gulf Trace Subdivision was originally platted on June 10, 1980. There was a subsequent addition to this plat on May 11, 1981 known as the Gulf Trace First Addition. These plats established a total of 80 residential lots. Please refer to Figure 4 for the boundaries of the Neighborhood Plan.

In the 1970's a 187-lot residential subdivision was proposed on the land that is immediately adjacent to and on the north and west sides of what is now the Gulf Trace Subdivision. After completing only a few houses, some roads, a sewer system, and some fire hydrants, the developers of the project went bankrupt. In 1985 the land area of this defunct subdivision was acquired by the State of Florida. The land surrounding the Gulf Trace Subdivision on three sides is now managed as part of Grayton Beach State Park. Legal access through these State lands has been granted to the property owners of Gulf Trace.

Over the past three decades and continuing to the present day, there has been tremendous growth and development along the coast in South Walton County – the section of County Road 30-A where Gulf Trace is located has been no exception. A substantial portion of this increased development has consisted in high rise multi-family condominium buildings, mixed business/residential uses as well as

rental/resort properties. By virtue of its being surrounded by State Park, Gulf Trace has largely been insulated from the full impact of this ongoing development. As a result, Gulf Trace has become a rare and precious community. Nonetheless, the intensifying development pattern has led to much concern among Gulf Trace residents, as well as other neighboring residents of single-family developments along the beach. Both Grayton Beach and Blue Mountain Beach, our sister communities immediately to the east and west respectively, have enacted measures to protect themselves from the increasing pressures to convert existing neighborhoods to high rise, multi-family developments, or other uses deemed by the majority of their residents to be out of character with their pre-existing communities.

Covenants and restrictions that controlled land development in the Gulf Trace Subdivision were established on 6/13/80; with amendments on 1/20/81 and 3/19/81; and renewed for an additional 10 years on 12/1/96. The Covenants expired on December 1, 2006. Among other development standards, the covenants and restrictions limited development in the subdivision on any lot to one detached single family dwelling or duplex. When the covenants expired, Gulf Trace automatically reverted to Residential Preservation Area (RPA) standards which allow only one single family detached residence per parcel. Since the covenants had expired, an effort was made to reinstate them via a vote of all Gulf Trace owners in the autumn of 2008. Among all owners who responded to the vote, all but one were in favor of renewing the covenants. Unfortunately, a vote of 100% was required. Of the current GT homeowners and lot owners, at least ninety percent purchased their homes or lots under the GT covenants as amended with full expectation that these would remain forever in effect.

EXISTING DEVELOPMENT PATTERN

The Gulf Trace Subdivision is located in South Walton County south of County Road (C.R.) 30-A. It is bordered by the Gulf of Mexico to the south, Grayton Beach State Park to the west, east, and north. Figure 1 of this plan shows the Gulf Trace Subdivision and surrounding property.

The Gulf Trace Neighborhood now contains 86 residential parcels ranging in size from approximately 0.11 to 0.69 of an acre (see Figure 4). Of these parcels, 61 contain single-family detached residences; 8 parcels contain single family attached residences functioning as duplexes; 2 parcels contain a single family attached residence functioning as a single family residence; 3 parcels contain duplexes; and 12 are vacant lots. Four of these vacant lots had buildings (i.e., 3 duplexes and one single family detached residence) that were destroyed in the 2005 hurricane season.

The Gulf Trace Subdivision has been granted an access right-of-way through Grayton Beach State Park. The subdivision has paved roads. Gulf Trace bears the responsibility for road maintenance. The subdivision is currently served by the Regional Utilities central water and sewer service. The subdivision also has its own well water system. Individual home service is a mix of Regional Utility service and Gulf Trace well water / home septic systems.

The Gulf Trace Neighborhood includes two common beach accesses. These areas are identified on the Neighborhood Plan Map (see Figure 4).

DESCRIPTION OF COMMUNITY INVOLVEMENT

The neighborhood planning process in Gulf Trace began in 2008 with an informal meeting of several owners. In response to the expiration of the covenants and out of concern for the neighborhood's

consequent vulnerability to unrestricted development in the form of future incompatible uses, these residents formed a Neighborhood Planning Group for the purpose of exploring the possibility of establishing a Neighborhood Plan. On February 18, 2009, the Gulf Trace Neighborhood Planning Group registered officially with Walton County. On March 4, 2009 the Neighborhood Planning Group held a pre-application meeting with the Walton County Planning Department to initiate the neighborhood planning process. Ballots of interest were mailed to all property owners in the subdivision on March 6, 2009. Of the ballots returned, 97 percent voted in favor of pursuing the establishment of a Neighborhood Plan for Gulf Trace.

The first Community Organizational Meeting for the Gulf Trace Neighborhood Plan was advertised one month in advance and held on May 23, 2009. This meeting was attended by approximately 30 residents. Subsequent neighborhood meetings on the Neighborhood Plan were held on June 13th, June 27th, July 11th, and August 7th, 2009. Throughout the process, the Neighborhood Planning Group also made drafts of the evolving plan available to all Gulf Trace owners and provided the opportunity for additional community input via email, phone conversations, meetings outside the five Community Organizational Meetings as well as providing on-line access and comment via web site (gulftrace.org). Input from all these sources was used by the Gulf Trace Neighborhood Planning Group in identifying and articulating the community's priorities, goals and, finally, the Development Standards contained in this Gulf Trace Neighborhood Plan.

DESCRIPTION OF THE GULF TRACE COMMUNITY

Gulf Trace sits on the edge of the coast like an island, buffered on all sides by the natural world with the Gulf of Mexico to the south and Grayton Dunes State Park to the east, north, and west. Developed as a residential neighborhood, the community values its secluded and insulated location amidst sand dunes, scrub oaks, and sea oats. No other beach development in the area has the unique advantage of being isolated and protected from adjacent development. One road winds its way through the pine woods of the state park to provide access to Gulf Trace and thus, minimize traffic. Gulf Trace has, since its inception, offered a retreat for the quiet enjoyment of families and their guests. The community grew gradually house by house and avoided the massive over-development of many planned subdivisions. Most houses retain lovely vistas of the park and/or Gulf of Mexico. They tend to be moderately sized homes built on relatively spacious lots that preserve native vegetation and privacy. Although Gulf Trace is home to both permanent and part-time residents, many residential properties in the neighborhood are rented to visitors who wish to vacation here. The community thrives on a laid-back, carefree quality of life enriched by the wonder and beauty of the natural world. Knowing that we cannot take this special place for granted, homeowners have worked hard over the years to protect its character. The NP is an effort to insure that we do not diminish or jeopardize the essential quality and rare beauty of the Gulf Trace community as it is today.

DEVELOPMENT STANDARDS OF THE GULF TRACE NEIGHBORHOOD PLAN

The Standards and Requirements of the Gulf Trace Neighborhood Plan apply to the following areas:

1. The Gulf Trace Subdivision as recorded in Plat Book 5, Page 44;
2. The Gulf Trace First Addition as recorded in Plat Book 5, Page 73.
3. There are two Gulf Trace pedestrian accesses to the beach and the Gulf of Mexico depicted on the recorded plat of the Gulf Trace Subdivision. They are located between Lots 13 and 14 of Block A and Lots 19 and 20 of Block A.

The Gulf Trace Neighborhood is subject to the following Development Standards:

1. Permitted Uses	Single-Family Detached Residences. Home Occupations (see #18 below)
2. Minimum Lot Size	None
3. Maximum Lot Size	None
4. Minimum Front Setback	25 feet Gulf front houses have the option of a reduced 10 foot front setback.
5. Minimum Side Setback	10 feet
6. Minimum Rear Setback	10 feet
7. Minimum Corner Setback	10 feet
8. Build-To-Lines	None
9. Maximum Lot Coverage by Buildings	None
10. Maximum Building Height	45 feet: Two levels of living space (i.e., heated and cooled enclosed space) over typical pilings, or their equivalent (i.e. typical concrete footers with CMU block walls), not to exceed 45 feet total building height. Flat roofs are prohibited. The method to determine building height shall be as defined in the Walton County Land Development Code.
11. Minimum Residential Unit Size: Total Heated/AC space.	1,200 square feet of heated and cooled area - excluding carports / garages, porches, balconies, unheated/non air conditioned storage areas.
12. Maximum Residential Unit Size per parcel	60 foot width to include all enclosed spaces, porches, decks, carports / garages.
13. Street Width	The surfaced area of roads shall be no more than 22 feet. Normal corner conventions are allowed.
14. Parking Requirements	Subject to the standards below (see #20)
15. Landscape	Property owners are encouraged to preserve and replant native vegetation in the front, rear, and side yard setback areas. Property owners are encouraged to preserve and protect trees having a 4" or greater trunk diameter.

16. Multi-Family Residential and Non-Residential Uses. No lot or parcel within this Plan shall be used for multi-family residential, commercial or vending uses except as described in #18, Home Occupations.

17. Accessory Apartments and Carriage Houses. Accessory apartments and carriage houses shall be permitted provided that all of the following requirements are met:

- a. No more than one accessory apartment or carriage house shall be permitted on any residential lot.
- b. An accessory apartment or carriage house unit shall not exceed 600 square feet.
- c. The accessory apartment or carriage house shall be located and designed not to interfere with the appearance of the principal structure as a one-family dwelling unit.
- d. The accessory apartment or carriage house shall only be available for short-term or long-term rental to any person who is a family member of the owner of the property. The main house and accessory apartment/carriage house may be rented to nonfamily or family as one package to one renter.
- e. No variations, adjustments, or waivers to the requirements of the Gulf Trace Neighborhood Plan shall be allowed in order to accommodate an accessory apartment or carriage house.

18. Home Occupations. A home occupation shall be allowed in a bona fide dwelling unit, subject to the following requirements:

- a. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
- b. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
- c. No home occupation shall occupy more than 25 percent of the total heated/cooled area of the residence.
- d. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.
- e. No equipment, tools, or process shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, computer, or television receivers off the premises or causes fluctuations in line voltage off premises.
- f. A home occupation shall be subject to all applicable County licensing requirements, fees, and other business taxes.

19. Parking. In order to maintain open fire lanes, to ensure access for other emergency vehicles and to protect the integrity of the road shoulder and adjacent vegetation, the following parking standards are established in this plan:

- a. All vehicles parked at a residence must fit within the boundaries of that residence's driveway. RVs and camper trailers shall not park in driveways for the purpose of serving as a dwelling.
- b. On-street parking is prohibited except for service vehicles (e.g. repair vans, contractor trucks, moving vans, yard service vehicles, utility service vehicles, etc.). If such vehicles must park in the street, they should do so on the section of street that is adjacent to the residence they are servicing.
- c. All new construction, or existing structures which are adding living space, must comply with the following requirements for off-street parking. The square footage

requirements below refer to the heated and/or cooled space of the structure, exclusive of porches, decks and patios.

Up to 1500 sq ft: 2 parking spaces

1501 to 2000 sq ft: 3 parking spaces

2001-2500 sq ft: 4 parking spaces

And so on for every additional 500 sq ft there is to be an additional parking space – until one arrives at 4501 sq ft or more when 2 additional parking spaces are required for each 500 sq ft above and beyond 4501 sq ft.

20. Beach Access. The original Gulf Trace plat (Book 5, page 44) dedicates the two pedestrian accesses to the beach to the Gulf Trace property owners (See Figure 4).

21. Further Subdivisions. No further subdivision of lots in the Gulf Trace Neighborhood shall be permitted.

22. Garbage and Waste. Owners and their guests have the option of keeping their trash cans at street side as long as all cans are kept in a corral that is maintained in good repair and free of loose trash.

Specifications for street side corrals:

Corrals may be two sided or three sided with the open side facing away from the street or they may be four sided. Corrals must be taller than the garbage cans and the corral siding no more than one inch apart to minimize visibility of the cans and trash. All cans used by the residence must fit inside the corral. A corral shall be no larger than 44 square feet and shall have no slatted flooring with gaps or spaces. One corral is allowed per residence. All corrals shall be painted using the Munsell Book of Color, page 10R, color 6/1 (See Figure 6). All corrals must come into compliance within 90 days of the adoption of this NP.

Recommendations: Garbage from all units should be put in sealed trash bags, all trash bags should fit completely inside trash cans, all cans should be manageable by the garbage collectors, all cans should have animal-proof lids, all lids should be closed.

23. Noise. In addition to the Walton County Noise Ordinance (#2003-09) or the most current adopted version, outdoor public address systems and bullhorns are prohibited.

24. Outside Lighting. All street lighting and other outside lighting must comply with the Walton County Wildlife Lighting Ordinance (Ordinance #2009-03) or the most current adopted version.

25. Signage.

a) All rental and “For Sale” signage shall be standardized and placed parallel to, facing and visible from the street. Such signage shall be free-standing on a post with a maximum height of 3 feet, inclusive of sign. Sign size shall not exceed 14” high and 11.5” wide. Additional attachments to the standard sign are not allowed. Corporate logos are not allowed. All signs shall conform to the design provided in Figure 5. The Munsell Book of Color, page 10R, color 6/1 (See Figure 6) shall be used for the background and post of each sign and page 5G, color 8.5/1.5 (See Figure 7) shall be used for all lettering and the Gulf Trace logo. All signs shall use the heron image and the Gulf Trace name as depicted in Figure 5. All information beyond this is optional and may include such items as ‘for rent’, house name, website, phone numbers,

pool, etc. Signage affected by these standards must come into compliance within 90 days after this NP is adopted by Walton County.

b) Contractor signs shall be limited to only those signs that are required for permitting purposes and must be removed 10 days after final inspection is completed.

c) All other advertising and announcement signage is prohibited – except entry signage identifying the Gulf Trace community, neighborhood watch and traffic control signage (e.g. speed limit signs, parking signs, street name signs, etc). All such signs, when updated, will conform to the color standards stated above in section 26a.

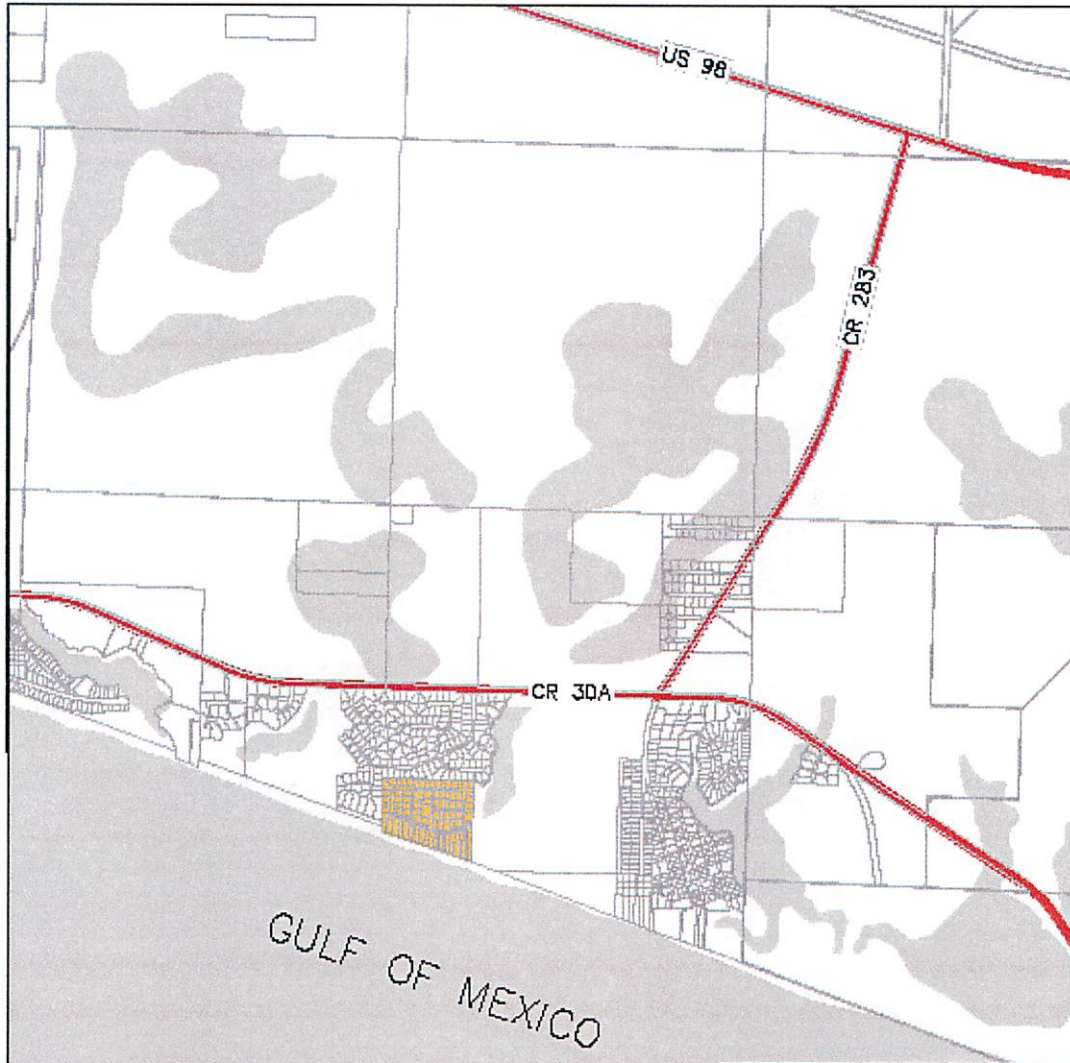
26. Updates and Modifications. This Neighborhood Plan cannot be changed in any way without following the same process required for the enactment of a Neighborhood Plan as stated in the Walton County Land Development Code. Notification of applications for variances to this Neighborhood Plan must first be submitted in writing to all Gulf Trace owners at their official address as listed in the Walton County Assessor's Office at least 30 days prior to submission of the application to Walton County for review.

27. Legal Nonconformities.




Uses, structures, or parcels legally established prior to this Neighborhood Plan, which do not comply with the standards of the Plan, may continue as long as they remain otherwise lawful.

Property owners in the subject areas shall retain their vested property rights, including, but not limited to, the right to be reconstructed, as vested, if destroyed by natural causes or other casualty outside the control of the owner of the property to the extent allowed by the Walton County Comprehensive Plan.


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LEGEND

-  GULF TRACE NEIGHBORHOOD
-  WATER BODIES
-  MAJOR ROADS, HIGHWAYS

0 1000 2000
SCALE FEET (OF 7000)
 1 inch = 2000 ft



PURPOSE:

GULF TRACE
 NEIGHBORHOOD
 LOCATION MAP

EXHIBIT PREPARATION BY:

GPI SOUTHEAST, INC.
 3555 TIMBERLANE SCHOOL ROAD
 TALLAHASSEE, FLORIDA 32312

LOCATED IN : SECTION 08 TOWNSHIP 03S
 RANGE 18W

COUNTY : WALTON
 STATE : FLORIDA
 APPLICATION BY : GULF TRACE OWNERS
 ASSOCIATION
 GPI SOUTHEAST PROJECT NO. : FL0003696.01

FIGURE: 1 OF 4
 DATE : JULY 9, 2009

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LEGEND

 GULF TRACE NEIGHBORHOOD

SCALE - N.T.S

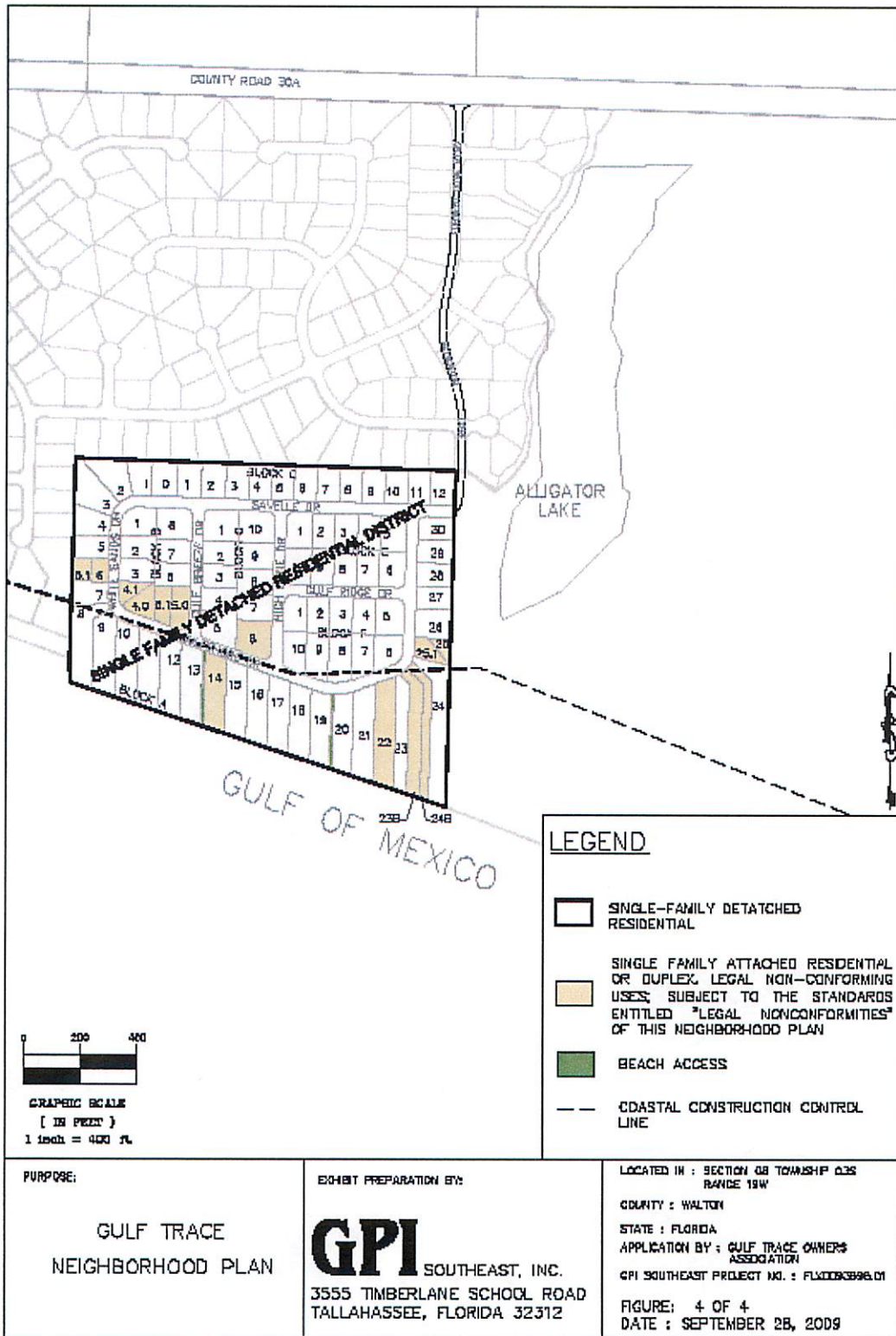


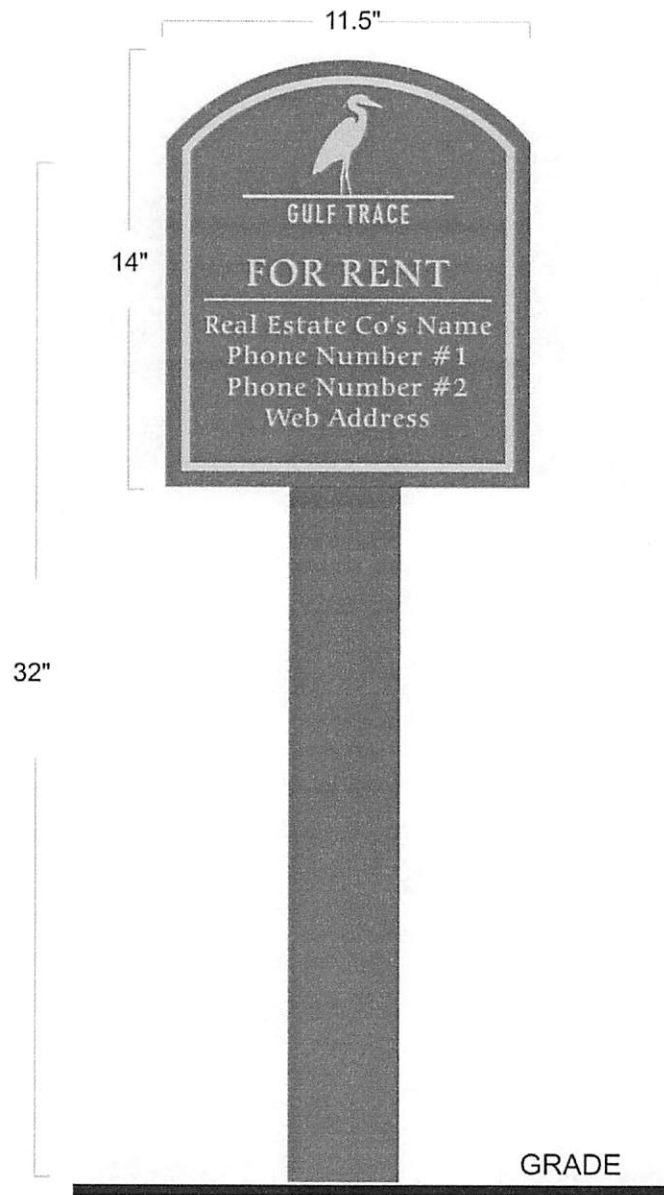
PURPOSE:
GULF TRACE SUBDIVISION
 SITE AERIAL

EXHIB PREPARATION BY:
GPI SOUTHEAST, INC.
 3555 TIMBERLANE SCHOOL ROAD
 TALLAHASSEE, FLORIDA 32312

LOCATED IN : SECTION 00 TOWNSHIP 00S
 RANGE 19W
 COUNTY : WILTON
 STATE : FLORIDA
 APPLICATION BY : GULF TRACE OWNERS
 ASSOCIATION
 GPI SOUTHEAST PROJECT NO. : FL0003696B01
 FIGURE: 2 OF 4
 DATE : JULY 9 2009

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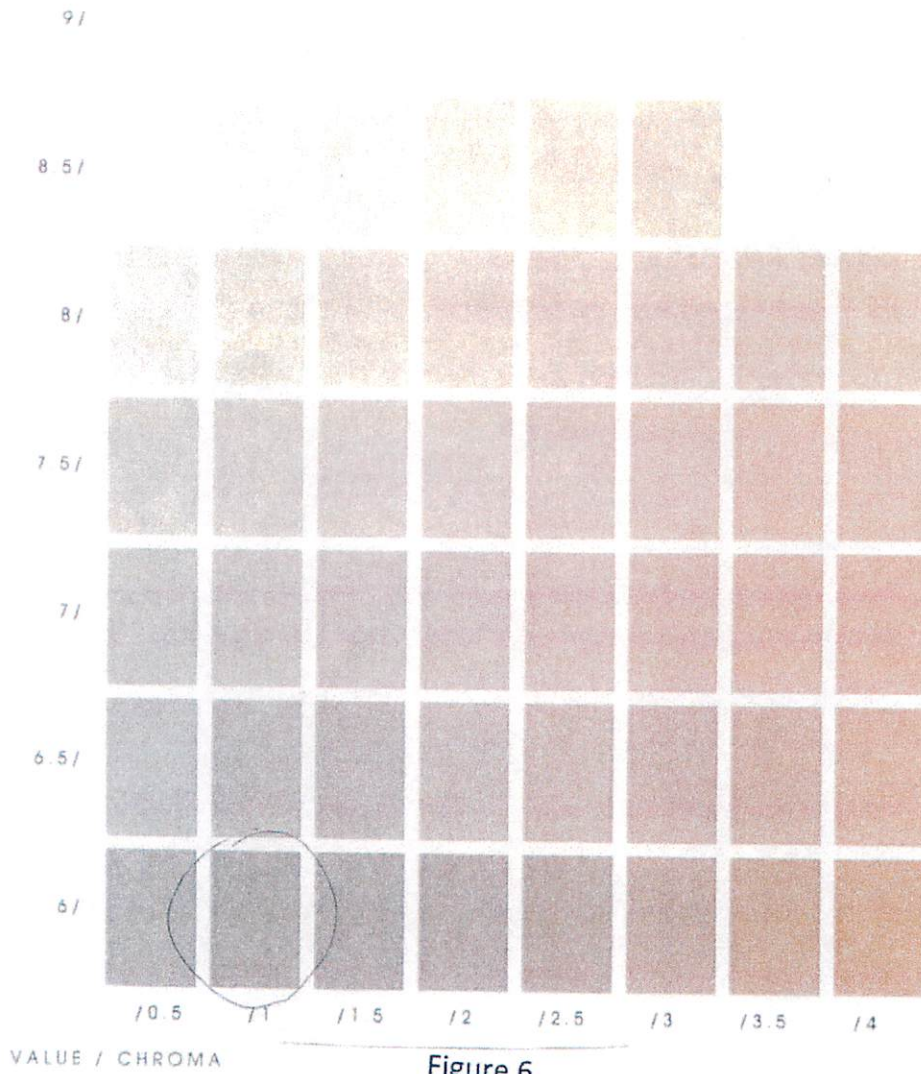


Figure 6

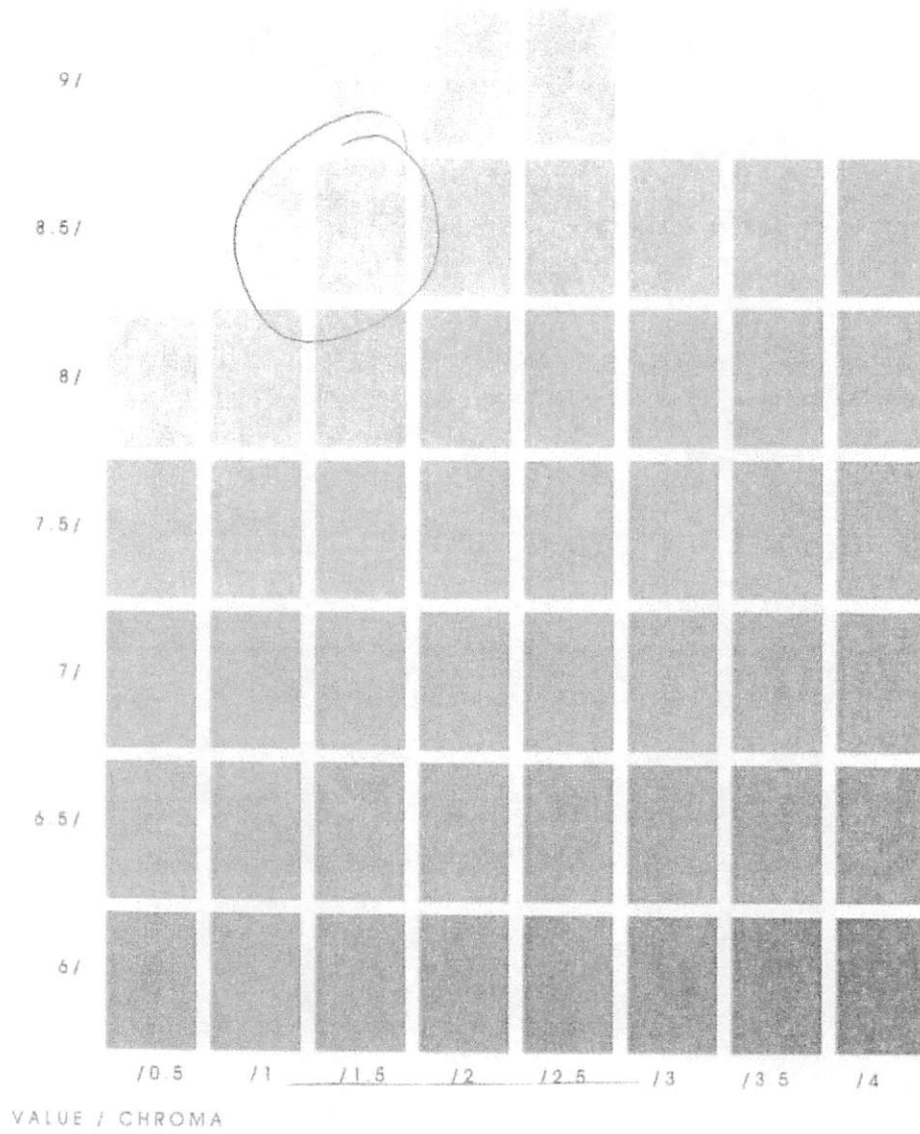


Figure 7