



## **FRUITLAND PARK CITY COMMISSION WORKSHOP MEETING AGENDA**

**April 5, 2018**

City Hall Commission Chambers  
506 W. Berckman Street  
Fruitland Park, FL 34731

**6:00 p.m.**

- 1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. LAND DEVELOPMENT REGULATIONS**
  - **Chapter 152, Administration**
  - **Chapter 154, Zoning Regulations**  
Marijuana Ordinance 2017-022
  - **Chapter 163, Sign Regulations**
- 4. OTHER BUSINESS**
- 5. ADJOURNMENT**

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

**PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.**

CHAPTER 152  
ADMINISTRATION

SECTION 152.010: GENERAL PROVISIONS

a) Administrative Official.

The provisions of the Land Development Code shall be administered and enforced under the direction of the Administrative Official. The Administrative Official shall be **the City Manager or the City Manager's designee.**

b) Fees.

All fees described in the Land Development Code shall be as set by the City.

SECTION 152.020: DEVELOPMENT ORDER AND DEVELOPMENT PERMIT REQUIRED

a) In General.

No development activity shall be undertaken unless the activity is authorized by a development permit. A development permit may not be issued unless authorized by a development order reflecting conformance with the requirements of the Land Development Code.

b) Exceptions to the Requirement of a Development Order.

A development permit may be issued in the absence of a development order for the following activities, when the proposed development conforms to the standards and permitting requirements of the Land Development Code:

- 1) The construction or alteration of a one or two-family dwelling on a lot of record as of November 26, 1991, or a lot created under the terms of the Land Development Code.
- 2) The construction of an accessory structure on a previously developed single family lot.
- 3) The alteration of an existing structure which does not enlarge the effective size or capacity of the structure.
- 4) Demolition of a structure.
- 5) Erection of signs or fences on a previously developed site, when independent of other development activity on the site.
- 6) The resurfacing of an impervious vehicle use area.

## SECTION 152.030: DEVELOPMENT ORDER

A development order shall be issued by the City only after the approval of development plans as required by the Land Development Code. A development order allows for the issuance of development permits for the initiation of development activities, including land clearing, site preparation, utility construction, road construction and building construction.

### a) Contents.

A development order shall include the following:

- 1) The name of the proposed development, the legal description of the property, and, where appropriate, its street address.
- 2) A general description of the proposed development activity.
- 3) The name of the project engineer, date of the approved plans, and any revision number, if applicable.
- 4) Reference to any development agreements or other legal documents that are a part of, or control, the proposed development.
- 5) Any special conditions of the development approval, such as off-site improvements, phasing, or other actions or events required prior to the issuance of development permits or certificates of occupancy.
- 6) The expiration date of the development order.

### b) General Conditions.

All development orders are issued contingent upon the following:

- 1) The accuracy of information provided in the development plans and associated documents. Inaccuracies that affect compliance with the Land Development Code, or the soundness of engineering design, may be considered grounds for the voiding of a development order.
- 2) Copies of all permits from federal, state, or regional and county agencies with jurisdiction over any portion of the proposed development shall be presented to the City prior to the issuance of development permits. The City Manager may issue limited permits for activities not related to outstanding agency permits unless there is reason to believe that such permits may not be forthcoming, or may substantially deviate from the approved plans.
- 3) The clarification of discrepancies within the approved plans or associated documents. Where there are contradictions or discrepancies, the City may require their correction based on the requirements of the Land Development Code, and as appropriate to the internal consistency of the documents.

c) Expiration of a Development Order.

All development orders shall have an expiration date clearly noted, after which no additional development permits may be issued. Expiration dates shall be based on the following:

- 1) Development plan approval for subdivisions shall expire after eighteen (18) months from the date of issuance.
- 2) Site development plan approval shall expire after one (1) year from the date of issuance.
- 3) Conceptual plans for zoning approvals shall expire based on the terms of the development agreement and any phasing plan therein.
- 4) Special exceptions, conditional uses, and variances shall expire either based on the conditions of approval or based on the specific requirements of the Land Development Code.
- 5) Rezoning, except to planned zoning districts, shall have no expiration date.

d) Extension of Expiration Date.

The expiration date for a development order may be extended as follows:

- 1) Where initial development permits have been issued pursuant to the development order, and development is continuously proceeding, the City Manager may grant one or more extensions not to exceed a total of two (2) years from the original expiration date. No fee shall be required beyond those required for the issuance of development permits.
- 2) Where an extension is desired but no permits have been issued, a developer must request an extension in writing from the City Manager, accompanied by a development order extension fee. The request for extension shall be reviewed and considered by the same process as the original approval, with special consideration to:
  - A) Amendments to the Land Development Code, including codes and standards adopted by reference, that have been adopted since the original approval, requiring modification to the development plans or associated documents.
  - B) Re-evaluation of the ability of the proposed development to meet the **requirements of Chapter 153 "Concurrency Management System."**
  - C) Changes in surrounding land use, development or other conditions that may require modification of the plans to meet the requirements of the Land Development Code.

e) Securing Development Permits.

Application for development permits for subdivision, site or building improvements shall be made according to the provisions of the appropriate chapter of the Land Development Code.

f) Modification of a Development Order.

- 1) Minor modifications to development orders may be approved by the City Manager, when such modifications are consistent with the requirements of the Land Development Code, and do not have a substantial impact on the overall impact and intent of the development order. The following modifications shall be generally considered as minor:
  - A) Dimensional changes to accommodate field conditions, including connection to existing facilities and the preservation of existing vegetation.
  - B) Changes of landscape or construction materials that are deemed to be similar or equivalent to those approved.
  - C) Technical changes to construction details.
- 2) Proposed modifications that do not meet the criteria for administrative approval described above, shall be submitted for development plan approval under the same procedure as required for the original approval, accompanied by the maximum review fee specified for such approval.
- 3) When in the opinion of the City Manager, the proposed modifications represent a major or fundamental change in the overall impact and intent of the original development order, a new application for development plan approval may be required, including the appropriate fees as specified for such approval.

SECTION 152.040: AMENDMENTS

Application to amend the Land Development Code or the Comprehensive Plan may be initiated by any person, board or agency. Application to rezone land under the Land Development Code may be initiated by the landowner(s), Department, Planning and Zoning Board or City Commission. The requirements of this Section are in addition to the requirements of applicable state law.

a) Application.

Application for Development Code or Comprehensive Plan amendments shall be made on the appropriate forms provided by the City for that purpose, and shall be accompanied by the appropriate review fee.

- 1) Applications for Development Code amendments, comprehensive plan amendments or rezoning shall be submitted no later than twenty-eight (28) days in advance of the regularly scheduled Planning and Zoning Board meeting in order to be considered at that meeting. The City Commission shall consider comprehensive plan amendments at the first

available meeting in compliance with Section 163.3184 and 163.3187, Florida Statutes, or as amended, and shall make the final decision for processing the amendment. The City Commission shall consider development code amendments and rezoning at the next regularly scheduled meeting and shall make the final decision on the code amendment or rezoning.

~~2) Applications for Comprehensive Plan amendments may be made at any time, but will only be considered twice per year. Applications received no later than twenty-eight (28) days in advance of the March Planning and Zoning Board meeting will be considered at that time, and applications received no later than twenty-eight (28) days in advance of the September Planning and Zoning Board meeting will be considered at that time. The City Commission shall consider the request at the next regularly scheduled meeting and shall make the final decision on the amendment.~~

~~3)2) Applications for rezoning and future land use plan amendments shall include a legal description of the property, sketch, or survey of the property, proof of ownership, and authorization of the owner if represented by an agent or contract purchaser.~~

b) Notification of Public Hearing.

All amendments to the Comprehensive Plan or the Land Development Code shall comply with the following:

1) Rezoning and Future Land Use Map Amendments. The requirements of Section 166.041(3)(c), Florida Statutes or as amended, shall apply. The following requirements apply to owner initiated rezoning amendments. The requirements of Section 166.041(3)(e), Florida Statutes, shall apply to rezoning and amendments initiated by the City. The requirements of Section 163.3184, Florida Statutes, shall apply to future land use map amendments initiated by the City. The requirements of Section 163.3174(4)(a), Florida Statutes or as amended, shall apply to comprehensive plan amendments and public notice requirements of Section 166.041(3)(a).

~~A) Adjoining Owners. The City shall send notice of the proposed action to the owners of all adjoining properties to the subject property, as well as any owners of the subject property not party to the application. Such notice shall include the date, time and place of the public hearing before the Planning and Zoning Board and the City Commission, along with a clear and concise description of the proposed action. For the purposes of such notification, adjoining properties shall include those properties separated from the subject property by a road, canal, easement right-of-way or similar barrier of five hundred feet (500) or less in width.~~

~~B) Posting of Property. The City shall post the property that is the subject of the proposed action with signs notifying the public of the proposed action, date of public hearings, and who to contact for further information. Signs shall be placed, at a minimum, along all~~

~~public road frontages, with a minimum of one sign per four hundred (400) feet along any one frontage.~~

A) Public Advertisement. Notice of public hearing shall be published as required by state law.

~~B) Written Notice. If the small scale amendment is initiated by the City, the City shall comply with Section 166.041(3)(c)1, Florida Statutes or as amended.~~

2) Textual Changes. Notification and advertising for ordinances making textual changes to the Land Development Code or the Comprehensive Plan that do not substantially change permitted use categories in zoning districts or land use map designations, shall be as normally required for ordinances under the City Charter and Code, and state law.

c) Procedure for Public Hearing.

The following procedures are in addition to, or where in conflict, superseded by those required by state law.

1) Planning and Zoning Board Action. The Planning and Zoning Board shall consider and make recommendations to the City Commission on every rezoning and every proposed amendment to the Comprehensive Plan or the Land Development Code.

2) City Commission Action. The City Commission shall consider recommendations of the Planning and Zoning Board before taking action on proposed amendments to the Land Development Code. However, if the Planning and Zoning Board fails to make a recommendation within **sixty (60) days of the amendments' first consideration** by that body, then the City Commission may take action based upon an assumed recommendation of approval from the advisory board.

d) Reapplication for Denied Rezoning.

When an application for rezoning is denied by the City Commission, subsequent application for similar rezoning on any portion of the same parcel of property may not be made for twelve (12) months from the date of City Commission denial, unless specifically authorized by the City Commission.

e) Criteria for Review of Amendments.

When considering an amendment to the Comprehensive Plan or the Land Development Code, the Planning and Zoning Board and the City Commission shall consider the following criteria:

1) Consistency with the Comprehensive Plan, or in the case of a Plan amendment, consistency with the remainder of the Plan and its goal, objectives and policies.

2) Consistency with applicable sections of the Land Development Code.

- 3) Additionally, as to rezoning amendments:
  - A) Whether justified by changed or changing conditions.
  - B) Whether adequate sites already exist for the proposed district uses.
  - C) Whether specific requirements of the Land Development Code are adequate to insure compatibility with adjoining properties as required by the Comprehensive Plan.



## SECTION 152.050: APPEALS

### a) Procedural Appeals.

Any property owner, developer, or their duly authorized agent that is aggrieved by a procedural decision by the City Manager or any other official or body empowered by the Land Development Code, may file a written appeal within thirty (30) days after the decision in dispute. Appeals shall be filed with the City Manager, and shall state fully the grounds for the appeal and all facts relied upon by the appellant. The City Manager shall schedule the appeal for the consideration of the City Commission no earlier than seven (7) days nor later than forty-five (45) days after the receipt of the appeal.

### b) Technical Appeals.

Any property owner, developer or their duly authorized agent that is aggrieved by a technical decision by the City Manager or any other official or body empowered by the Land Development Code, may file a written appeal within thirty (30) days after the decision in dispute. Appeals shall be filed with the City Manager, and shall state fully the grounds for the appeal and all facts relied upon by the appellant. The City Manager shall schedule the appeal for consideration no earlier than seven (7) days nor later than forty-five (45) days after the receipt of the appeal. Technical appeals shall be heard by the City Commission.

## SECTION 152.060: ENFORCEMENT

The City reserves the right to enforce the provisions of the Land Development Code in any manner as provided by law, including referral to the code enforcement officer.

### In General

Whenever the Department has reason to believe that the provisions of the Land Development Code are being violated, it shall notify the alleged violator of the nature of the violation(s), and require correction of the violation(s) in a reasonable period of time, based on the policies of the City. If not corrected within the time specified, the violation(s) shall be referred to the Code Enforcement Board for enforcement as authorized in the Code of Ordinances.

## SECTION 152.070: NONCONFORMANCE PROVISIONS

### a) Types of Nonconforming Status.

Within the districts established by the Land Development Code or Amendments that later may be adopted, there may exist lots, uses of land, or structures which lawfully existed before the Land Development Code was adopted but which would be prohibited, regulated or restricted under the terms of the Land Development Code.

It is the intent of the Land Development Code to permit these nonconformities to continue in their present condition but not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. There are three (3) types of nonconforming status, as follows:

1) Nonconforming Lots of Record.

In any district in which residential dwellings are permitted, notwithstanding district dimensional requirements, a single family dwelling and customary accessory buildings may be erected on any single lot of record as defined herein which existed on or before November 26, 1991. This provision shall apply even though such lot fails to meet the requirements applying to area or width, or both. However, the lot and the structures erected thereon must conform to all other regulations for the district in which the lot is located. Further, development on residential lots platted under previous zoning ordinances may be permitted to develop based on setbacks in force at the time of platting.

The following provisions shall apply to lots of record zoned commercial or industrial on or before November 26, 1991:

- A) The construction of one commercial or industrial building shall be permitted on each lot providing that no adjoining lots are in the same ownership, or were in the same ownership as of November 26, 1991.
- B) Dimensional requirements shall be based on the established requirements of the Land Development Code.

No portion of any nonconforming lot shall be sold or used in a manner which diminishes compliance with lot width and area requirements established by the Land Development Code, nor shall any division of any parcel be made which creates a lot width or area below the requirements statements stated in the Land Development Code.

2) Nonconforming Uses of Land and Structure.

A nonconforming use of land or structure existing prior to November 26, 1991, shall continue to have such nonconforming status and shall be subject to the applicable provisions of the Land Development Code including the following which shall apply so as long as the use of land or structure remains otherwise lawful:

- A) No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land or structure than was occupied as of November 26, 1991.
- B) No such nonconforming use shall be moved in whole or part to any portion of the lot or parcel other than that occupied by such use as of November 26, 1991.
- C) No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land or structure.

3) Nonconforming Structures.

A nonconforming structure existing prior to November 26, 1991, shall continue to have such nonconforming status and shall be subject to the applicable provisions of the Land Development Code including the following which shall apply so long as the use of land or structure remains otherwise lawful:

- A) No such nonconforming structure may be enlarged or altered in any way which increased its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than sixty percent (60%) of its current appraised value as recorded in the tax **assessor's office at time of destruction, it shall not be reconstructed** except in conformity with the provisions of the Land Development Code.
- C) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

b) Repairs and Maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, repairs and modernization are permitted provided that the cubic area existing when it became nonconforming shall not be increased. Nothing in the Land Development Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any public official charged with protecting the public safety, upon order of such official.

c) Discontinuance of Nonconforming Uses of Land or Structures.

If a nonconforming use of land or a nonconforming use of structure has been abandoned for a period of six (6) months, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of the Land Development Code.

d) Uses Under Special Exception or Conditional Use Provisions are Not Nonconforming Uses.

Any use which is permitted as a special exception or conditional use in a district under the terms of the Land Development Code shall be deemed a conforming use, subject to any conditions legally imposed by the City Commission.

SECTION 152.080: TECHNICAL REVIEW COMMITTEE (TRC)

There is hereby created the Technical Review Committee (TRC) to provide technical review for all applications for development approval and grant final approval for development plans when authorized by the Land Development Code.

a) Meetings.

The TRC shall hold regularly scheduled meetings at least once a month, unless there are no applications requiring review at that time. A schedule of regular meetings shall be made available to the public. A special meeting may be called by the chairman to allow extra time for the review of large or complex applications that have been submitted by the appropriate deadline for the next regularly scheduled meeting. TRC meetings shall be open to all interested parties, for the review of formal development applications. However, a developer or land owner may request a closed meeting with the TRC for the purpose of discussing proposed development prior to the formal application for approval.

b) Membership and Organization.

The TRC shall be composed of the heads of the following departments or divisions or their designees: Building, Engineering, Fire, Planning, Public Utilities and Public Works. The TRC shall be **chaired by the City Manager or the City Manager's** designated representative.

SECTION 152.090: PLANNING AND ZONING BOARD

There is hereby created the City of Fruitland Park Planning and Zoning Board to review comprehensive planning policies and specific development applications as required by the Land Development Code, and provide recommendations to the City Commission on planning and land development related matters.

a) Membership: Terms of Office: Vacancies.

The Planning and Zoning Board shall consist of five (5) persons who are qualified voters of the City of Fruitland Park who shall be appointed, subject to the approval of City Commission, by the Mayor. No appointed or elected official or employee of the city may serve as a member of the Planning and Zoning Board. Members shall be appointed for three (3) year terms, and may be reappointed for additional terms, with each year commencing October 1 and ending September 30. Any person appointed to the Planning and Zoning Board shall serve at the pleasure of the commission, and may be removed at anytime by the City Commission when, in its sole and absolute discretion, removal is necessary. In the event of an appointment to fill a vacancy, the Mayor, subject to the approval of the City Commission, shall appoint a new member to fill the unexpired term of the vacating member.

b) Meetings: Voting: Officers.

The Planning and Zoning Board may adopt such rules and regulations which it deems necessary to carry out the provisions of this chapter. However, the following rules shall apply to the Planning and Zoning Board:

- 1) Meetings. The Planning and Zoning Board shall hold regular meetings at the Commission Chambers on the third Thursday of each month at 7:00 p.m. Special meetings may be called by the Chairman, when necessary.

- 2) Voting. Three (3) members of the Planning and Zoning Board shall constitute a quorum. However, regardless of the existence of a quorum, any action taken by the Board must be approved of by at least three (3) members of the Board.
  - 3) Officers. The Planning and Zoning Board shall annually select from among its membership a Chairman and a Vice-Chairman. This annual selection shall occur at the regularly scheduled October meeting and shall be subject to the approval of the City Commission.
  - 4) Chairman. The Chairman shall:
    - A) Secure a meeting place for all meetings,
    - B) Preside at all meetings,
    - C) Call special meetings as he deems necessary,
    - D) Attest to the accuracy of all minutes of meetings prior to those minutes being submitted to the City Commission, and
    - E) Form subcommittees to assist the Planning and Board in the fulfillment of its duties.
  - 5) Board Members. The Board Members shall:
    - A) Members shall be appointed for three (3) year terms. A member whose term expires may continue to serve until a replacement is appointed.
    - B) Members may be removed without notice or without cause by a majority vote of the City Commission.
    - C) If any member fails to attend two (2) of three (3) consecutive meetings without cause and without prior approval of the Chairman, the Board shall declare the position vacant and request a replacement be appointed by the City Commission.
    - D) When a vacancy occurs prior to the expiration of a term, the City Commission shall appoint a member to fill the vacancy for the duration of the term.
- c) Organization and Procedures.
- 1) The Board shall annually elect a chairman and vice-chairman from among its members.
  - 2) The Board shall adopt rules of procedure, in accordance with the Land Development Code and applicable law, to carry out its functions and duties.

- 3) The Board shall meet at least once per calendar month, unless canceled by the Board or its Chairman, and at such additional times as requested by the Chair or City Commission.
  - 4) A quorum shall consist of three (3) members.
  - 5) The City shall provide a recording secretary to keep minutes of the **Board's meetings**.
- d) General Functions and Duties.
- 1) The Board shall obtain and review information as necessary to prepare and amend the Comprehensive Plan, Development Code of the City, and the Official Zoning Map of the City.
  - 2) The Board shall monitor the operation and effectiveness of the Comprehensive Plan and the Land Development Code, and recommend amendments to the City Commission.
  - 3) The Board shall conduct public hearings, review development applications, and perform other duties as required by the Land Development Code, including, but not limited to review of:
    - A) Annexations;
    - B) Site plans;
    - C) Rezoning;
    - D) Comprehensive Plan amendments;
    - E) Land Development Regulation amendments; and,
    - F) Plats.
  - 4) The Planning and Zoning Board shall perform all other tasks which may be assigned to it from time to time under the provisions of the Charter.

SECTION 152.100: *CODE ENFORCEMENT BOARD*

- a) Created. There is hereby created and established a Code Enforcement Board for the City.
- b) Membership. The Code Enforcement Board shall be composed of five (5) members.
- c) Code enforcement system adopted. The code enforcement system set forth in Chapter 162, Florida Statutes, is hereby adopted as the code enforcement system of the City.

- d) Attorney to the Board. The City Attorney shall serve as counsel to the Code Enforcement Board. However, nothing contained in Chapter 162, nor this Section, shall be construed to prevent the City Attorney from representing the City in any appeal filed by an aggrieved party pursuant to §162.11, Florida Statutes.
- e) In the Event of the Imposition of a Lien pursuant to this Chapter 162, Florida Statutes, the City Commission shall have sole authority over the lien.

The Code Enforcement Board shall consist of five (5) members appointed by the City Commission. Members shall be qualified electors residing in the City. Membership shall be further specified as follows:

- 1) Membership shall whenever possible, include an architect, a businessman, an engineer, a general contractor, a subcontractor and a realtor.
  - 2) The initial appointments to the Code Enforcement Board shall be one member appointed for a term of one year; two members appointed for a term of two years each; and two members appointed for a term of three years each.
  - 3) Thereafter, all appointments shall be for a term of three (3) years. A member may be reappointed upon approval of the City Commission. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term of office.
  - 4) If any member fails to attend two of three successive meetings without cause and without prior approval of the Chairman, the Enforcement Board **shall declare the member's office vacant, and the City Commission shall promptly fill such vacancy.**
  - 5) The members shall serve in accordance with ordinances of the City and may be suspended and removed for cause as provided for in such ordinances for removal of members of the City Commission or other administrative boards.
- b) Organization and Procedures. There is no a) in this section
- 1) The members of the Code Enforcement Board shall elect a chairman from among its members.
  - 2) A quorum shall consist of three (3) members.
  - 3) Members shall serve without compensation, but may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the City Commission.
  - 4) The Board may adopt rules and regulations of procedure not inconsistent with Florida law or existing ordinances of the City.
  - 5) The City Attorney shall serve as counsel to the Board.

- 6) The City Commission may designate certain of its employees or agents as Code Enforcement Officers whose duty it is to enforce codes and ordinances enacted by the City. The training and qualifications for such Code Enforcement Officers shall be determined by the City. Employees or agents who may be designated as Code Enforcement Officers may include, but are not limited to, code inspectors, law enforcement officers, animal control officers, or fire safety inspectors. Such code enforcement officers shall have the powers provided for by state law and city ordinances and act pursuant to state law.
- c) Enforcement Procedures.
- 1) It shall be the duty of the Code Enforcement Officer to initiate enforcement proceedings of the various codes; provided however, no member of the Code Enforcement Board shall have the power to initiate such enforcement proceedings.
  - 2) Except as provided in divisions (3) and (4) below, if a violation of the code is found, the Code Enforcement Officer or other authorized agent shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code enforcement officer or other authorized agent shall notify the Code Enforcement Board and request a hearing pursuant to the procedure set forth hereinafter. Written notice shall be mailed to such violator as provided herein.
  - 3) If a repeat violation is found, the Code Enforcement Officer shall notify the violator but it is not required to give the violator a reasonable time to correct the violation. The Code Enforcement Officer, upon notifying the violator or a repeat violation, shall notify the Code Enforcement Board and request a hearing. The Code Enforcement Board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to Section 162.12 Florida Statutes. The case may be presented to the Code Enforcement Board even if the repeat violation has been corrected prior to the Board hearing, and the notice shall so state.
  - 4) If the Code Enforcement Officer or other authorized agent has reason to believe a violation presents a serious threat to the public health, safety and welfare of the public, the Code Enforcement Officer or other authorized agent may proceed to directly request a hearing without notifying the violator.
- d) Hearings.
- 1) The Chairman of the Code Enforcement Board may call hearings and hearings may also be called by written notice signed by at least two (2) members of the Code Enforcement Board. The Code Enforcement Board may at any hearing set a future hearing date. The Code Enforcement Board shall attempt to convene no less frequently than once every two months, but may meet more or less often as the demand necessitates.

Minutes shall be kept of all hearings and proceedings by the Code Enforcement Board, and all hearings and proceedings shall be open to the



public. The City Commission shall provide such clerical and administrative personnel support staff as may be reasonably required by the Code Enforcement Board for the proper performance of its duties.

- 2) Each case before the Board shall be presented by a member of the administrative staff of the City Commission.
- 3) The Code Enforcement Board shall proceed to hear cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The Code Enforcement Board shall take testimony from the Code Enforcement Officer or authorized agent, the alleged violator and any other witnesses which may provide relevant and material evidence of the alleged violation. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern said proceedings.
- 4) At the conclusion of the hearing, the Code Enforcement Board shall issue findings of fact, based on evidence received, and conclusions of law and shall issue an order affording the proper relief consistent with the powers granted herein. The finding shall be made by motion approved by a majority of those present and voting, except that at least three (3) members of the Code Enforcement Board must vote for the action to be official.

e) Powers.

The Code Enforcement Board shall have all powers allowed by Florida law and concurrent jurisdiction to hear and decide cases involving alleged violations of City ordinances. The Code Enforcement Board shall have the power to:

- 1) Adopt rules for the conduct of its hearings.
- 2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may **be served by the Lake County Sheriff's Department or the City Police Department.**
- 3) Subpoena evidence.
- 4) Take testimony under oath.
- 5) Issue orders having the force of law commanding whatever steps are necessary to bring the violation into compliance.

f) Fines and Liens.

- 1) The Code Enforcement Board, upon notification by the Code Enforcement Officer or other authorized agent of the City that an order of the Enforcement Board has not been complied with by the set time or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in the amount specified in this section for each day the violation continues past the date set by the Enforcement Board for compliance or, in the case of a repeat violation, for each day the repeat violation continues past the date of notice of the violator of the repeat violation. If a finding of a violation or a repeat violation has been made as

provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine.

- 2) A fine imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation. In determining the amount of the fine, if any, the Code Enforcement Board shall consider the following factors:
  - A) The gravity of the violation;
  - B) Any actions by the violator to correct the violation; and
  - C) Any previous violations committed by the violator.
- 3) The Code Enforcement Board may reduce a fine imposed pursuant to this section.
- 4) A certified copy of an order imposing a fine may be recorded in the Public Records and thereafter constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the Circuit Court, such order may be enforced in the same manner as a court judgement by the sheriffs of this state, including levy against the personal property, but such order shall not be deemed to be a court judgement except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgement is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. After three months from the filing of any such lien which remains unpaid, the Code Enforcement Board may authorize the City Attorney to foreclose on the lien. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution.
- 5) No lien provided for by Section 162, Florida Statutes and this Chapter shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction.

g) Appeal.

An aggrieved party, including the City may appeal a final ruling or final administrative order of the Code Enforcement Board to the circuit court. An appeal shall be filed within thirty days of the execution of the order to be appealed.

h) Notices.

All notices required herein shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the Lake County Sheriff's Department or other authorized law enforcement officer including, but not limited to, members of the City Police Department; the code enforcement officer; or any other person designated by the City Commission; or by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and

informing such person of the contents of the notice. In addition to providing notice as set forth above, at the option of the Code Enforcement Board, notice may also be served by publication or posted, as provided by state law.

SECTION 152.110: LOCAL LAND PLANNING AGENCY

Designation and establishment of Local Land Planning Agency. Pursuant to, and in accordance with Section 163.3174, Florida Statutes, (the Local Government Comprehensive Planning Act of 1975) the City Commission is hereby designated and established as the Local Planning Agency for the incorporated territory of the City.

a) Public Meetings and Records.

All meetings of the Local Planning Agency shall be public meetings and all agency records shall be public records. The Local Planning Agency shall encourage public participation.

b) Appropriation of Funds.

The City Commission shall appropriate funds at its discretion to the Local Planning Agency for expenses necessary in the conduct of its work. The Local Planning Agency may, in order to accomplish the purposes and activities required by the Local Government Comprehensive Planning Act of 1975, expend all sums appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; provided acceptance of loans or grants must be approved by the City Commission.

c) Powers and Duties.

The Local Planning Agency, in accordance with the Local Government Comprehensive Planning Act of 1975, Section 163.3161 through 163.3111, Florida Statutes shall:

- 1) Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the city.
- 2) Coordinate the comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the state.
- 3) Recommend the comprehensive plan or elements or portions thereof to the City Commission for adoption.
- 4) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the City Commission such changes in the comprehensive plan as may be required from time to time.



## CHAPTER 154

### ZONING DISTRICT REGULATIONS

#### SECTION 154.010: COMPREHENSIVE PLAN IMPLEMENTATION

In order to implement the adopted Comprehensive Plan in a manner consistent with Chapter 163, Florida Statutes, the following zoning regulations are hereby established. These regulations are intended to assist in implementing comprehensive planning issues surrounding the uses or development of specific lots, parcels, and tracts of land or any combination thereof within the City of Fruitland Park.

#### SECTION 154.020: GENERAL

- a) Dimensional requirements for each zoning district are specified in the table at the end of this Chapter entitled "**Schedule of District Regulations.**"
- b) Accessory uses and structures for each zoning district are those customarily associated with, dependent on, and incidental to the principal uses permitted in that district. Provisions regarding accessory uses and structures are addressed in Chapter 156 of the Land Development Code.
- c) Special Exception Uses for each district shall be permitted in accordance with provisions of Chapter 155 of the Land Development Code.

#### SECTION 154.030: ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP

- a) Establishment of Districts.

The incorporated land and water area of the City of Fruitland Park, is hereby divided into zones or districts as set forth in Section 154.030(d) of this Chapter and as shown on the Official Zoning Map.

- b) Official Zoning Map.

The Official Zoning Map of the City is hereby adopted and incorporated by reference and declared to be a part of the Land Development Code. The official zoning map shall bear the date of its adoption and the signature of the Mayor, attested to by the City Clerk. The boundaries of each district shall be as shown on the official zoning map and the district symbols as set out in this code shall be used to designate each district.

- 1) Zoning District Boundary Changes.

After an amendment has been approved by the City Commission, changes in district boundaries shall be entered on the official zoning map. An entry shall be made promptly on the official zoning map stating the date and change signed by the Mayor and attested by the City Clerk.

2) Authority as to Current Zoning Status.

The Official Zoning Map shall be the final map authority as to the current zoning status of land and water areas, buildings and other structures in the City, and shall supersede and replace any and all previously adopted zoning maps. However, should any question arise regarding the correctness of the Official Zoning Map, the question shall be resolved by reference to the ordinances which have created or amended the various zoning districts within the City. The City Manager shall be the custodian of the Official Zoning Map.

3) Interpretation of District Boundaries.

When interpreting the boundaries of districts as shown on the official zoning map, the following rules shall apply:

- A) Boundaries indicated as approximately following the center lines of public or private rights-of-way shall be construed to follow such center lines.
- B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines as they exist at the time of the establishment of the district boundary.
- C) Boundaries indicated as approximately following City limits shall be construed as following City limits as they existed at the time of the establishment of the district boundary.
- D) Boundaries indicated as following a shoreline shall be construed to follow such shorelines, and in the event of change of the shoreline, shall be construed as moving with the actual shoreline.
- E) Submerged lands, including waters over such submerged land, unless specifically zoned otherwise, are to be construed as being zoned the same as the abutting upland.
- F) Boundaries indicated as parallel to or extensions of features indicated in items A through E above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- G) Where the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, or in other circumstances not covered by items A through F above, the City Manager shall interpret the district boundaries.

4) Renaming of Zoning Districts.

The following zoning districts existing as of March 31, 2017, Shall be renamed as follows.

Table 154.030.01

<b><u>FUTURE LAND USE DESIGNATION</u></b>	<b><u>Maximum<sup>1</sup> Density</u></b>	<b><u>Maximum Intensity</u></b>	<b><u>ZONING CATEGORIES</u></b>
<u>SF Low Density</u>	<u>2 units/acre</u>	<u>N/A</u>	<u>R-2, PUD, PFD</u>
<u>SF Medium Density</u>	<u>4 units/acre</u>	<u>Commercial uses within PUD, max. size 15,000 sq. ft. &amp; max. FAR 0.20</u>	<u>R-2, R-4, PUD, PFD</u>
<u>MF Low Density</u>	<u>8 units/acre</u>	<u>Commercial uses within PUD, max. size 15,000 sq. ft. &amp; max. FAR 0.20</u>	<u>R-2, R-4, R -8, PUD, PFD</u>
<u>MF Medium Density</u>	<u>10 units/acre</u>	<u>Commercial uses within PUD, max. size 15,000 sq. ft. &amp; max. FAR 0.20</u>	<u>R-2, R-4, R-8, R-10, PUD, PFD</u>
<u>MF High Density</u>	<u>15 units/acre</u>	<u>Commercial uses within PUD, max. size 20,000 sq. ft. &amp; max. FAR 0.20</u>	<u>R-2, R-4, R-8, R-10, R-15, PUD, PFD</u>
<u>Central Business District Mixed Use</u>	<u>10 units/acre (Residential at 2<sup>nd</sup> or 3<sup>rd</sup> floor only)</u>	<u>ISR .80 FAR 1.0</u>	<u>CBD, PUD</u>
<u>Transitional</u>	<u>4 units/acre</u>	<u>FAR .20</u>	<u>RP, R-2, R-4, PUD, PFD</u>
<u>Mixed Community</u>	<u>6 units/acre</u>	<u>ISR .80 FAR .70</u>	<u>Mixed Use PUD</u>
<u>General Mixed Use</u>	<u>12 units/acre</u>	<u>ISR .80 FAR .70</u>	<u>Mixed Use PUD</u>
<u>Neighborhood Commercial</u>	<u>4 units/acre if developed as PUD</u>	<u>ISR .70 FAR .50</u>	<u>C-1, RP, PUD, PFD</u>
<u>Commercial – High Intensity</u>	<u>N/A</u>	<u>ISR .70 FAR .50</u>	<u>C-1, C-2, RP, PUD, PFD</u>
<u>Industrial</u>	<u>N/A</u>	<u>ISR .75 FAR .50</u>	<u>I, PUD</u>
<u>Institutional</u>	<u>N/A</u>	<u>ISR .70 FAR .30</u>	<u>PFD, PUD</u>
<u>Recreation</u>	<u>N/A</u>	<u>ISR .30 FAR .30</u>	<u>PFD, GB</u>
<u>Open Space</u>	<u>1 unit/acre</u>	<u>ISR .35</u>	<u>PFD, GB</u>

1. Density shall not exceed 4 units/acre unless central water and sewer are provided.

<u>ZONING DISTRICTS (OLD)</u>	<u>ZONING DISTRICTS (NEW)</u>
<u>R-1 "Single Family Low Density Residential"</u>	<u>R-2 "Single Family Low Density Residential"</u>
<u>R-2 "Single Family Medium Density Residential"</u>	<u>R-4 "Single Family Medium Density Residential"</u>
<u>R-2A "Medium Density Residential"</u>	<u>R-8 "Multi-Family Low Density Residential"</u>
<u>R-3A "High Density Residential/Neighborhood Commercial"</u>	<u>R-10 "Multi-Family Medium Density Residential"</u>
<u>R-3 "Multi-Family High Density Residential"</u>	<u>R-15 - "Multi-Family High Density Residential"</u>
<u>RP "Residential Professional"</u>	<u>RP "Residential Professional"</u>
<u>-</u>	<u>CBD "Central Business District"</u>

	<u>Mixed Use</u>
<u>C-1 "Neighborhood Commercial"</u>	<u>C-1 "Neighborhood Professional"</u>
<u>C-2 "General Commercial"</u>	<u>C-2 "General Commercial"</u>
<u>I "Industrial"</u>	<u>I "Industrial"</u>
<u>PUD "Planned Unit Development"</u>	<u>PUD "Planned Unit Development"</u>
<u>PFD "Public Facilities District"</u>	<u>PFD "Public Facilities District"</u>
<u>GB "Greenbelt District"</u>	<u>GB "Greenbelt District"</u>

c) Compliance with District Regulations.

No building or structure shall be erected, reconstructed or structurally altered, nor shall any building, land or water be used for any purpose other than a use permitted in the district in which such building, land or water is located. No building or land shall be used so as to produce greater heights, smaller yards, less unoccupied areas, or higher density or intensity than is prescribed for such building or land within the district regulations in which the building or land is located. No lot, which is now or which may hereafter be built upon shall be so reduced in area so that it will be smaller than prescribed by the Land Development Code.

d) Purpose and Intent of Zoning Districts.

This section presents the basic purpose and intent of each zoning district.

1) R-~~42~~ "Single-Family Low Density Residential." This district is established to implement comprehensive plan policies for managing low-density, single-family residential development at a density not to exceed two (2) single-family dwelling units per acre. The R-~~42~~ district is established to preserve the stability of existing and future conventional single-family residential neighborhoods, preserve open space, and manage future densities in order to assure that future densities are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.

A) *The following uses shall be permitted:*

- i) Single-family detached dwelling units.
- ii) ~~Guest/servant quarters~~ Accessory dwelling unit not to exceed 30% of living area of the principal dwelling unit pursuant to Section 156.010 of the Land Development Code.
- iii) Customary accessory structures incidental to the principal structure not to exceed 30% of living area of the principal dwelling unit, or ~~450~~ 600 square feet, whichever is greater.
- iv) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with 1-6 residents.
- v) Home Occupations pursuant to Section 156.020 of the Land Development Code.



B) Uses Permitted as Special Exception Use Upon Approval of the City Commission.

i) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents pursuant to Section 155.030(b)(5) of the Land Development Code.

†i) Mobile Home Subdivision

C) *Uses Expressly Prohibited.*

- i) Single-family attached dwelling units.
- ii) Multi-family residential dwelling units.
- iii) Two family (duplex) dwelling units.
- iv) Commercial land uses.
- v) Industrial land uses.
- vi) Any use prohibited by City, State or Federal law.

D) *Other Possible Uses.*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as a conditional use pursuant to Chapter 155 of this Code.

2) R-24 "Single-Family Medium Density Residential." This district is established to implement comprehensive plan policies for managing traditional single-family residential development at a density not to exceed four (4) dwelling units per acre. This district is established to preserve the stability of existing and future residential neighborhoods, preserve open space, and manage future densities to assure a smooth transition between low-density residential and areas designed for more intense uses, natural features of the land, as well as existing and projected public services and facilities within the area.

A) *The following uses shall be permitted:*

i) Single-family detached residential dwelling units.

~~ii) Single-family attached residential dwelling units.~~

~~iii)ii)~~ Customary accessory structures incidental to these uses not to exceed 30% of living area of the principal structure, or ~~450~~ 600 square feet, whichever is greater.

~~iv)iii)~~ ~~Guest/servant quarters~~ Accessory dwelling unit not to exceed 30% of living area of the principal dwelling unit pursuant to Section 156.010 of the Land Development Code.

~~v)iv)~~ Home Occupations pursuant to Section 156.020 of the Land Development Code.

v) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with 1-6 residents.

vi) Neighborhood Commercial uses up to 15,000 square feet subject to approval as a PUD pursuant to Section 154.030(d)(10) of the Land Development Code .

~~vi)vii)~~

B) *Uses Permitted as Special Exception Use Upon Approval by the City Commission.*

~~i) Two family (duplex) dwelling units.~~

~~ii)~~ Licensed Community Residential Homes, Group Homes, and Foster Care Facilities with more than six (6) residents pursuant to Section 155.030(b)(5) of the Land Development Code.

~~iii)ii)~~ Day Care Centers.

~~iv)iii)~~ Small Homestay Bed and Breakfast Inn.

C) *Uses Expressly Prohibited.*

i) General Commercial land uses.

ii) Industrial land uses.

iii) Any use prohibited by City, State or Federal law.

iv) Multi-family dwelling unit.

v) Two-family (duplex) dwelling units.

~~iv)vi)~~ Single family attached dwelling units.

D) *Other Possible Uses.*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

3) ~~R-2A-R-8 "Multi-Family Low Density"~~ ~~"Medium Density Residential"~~.

This district is established to provide for medium density residential development not restricted to single-family dwelling units. Density shall not exceed four (4) units per acre unless central sewer facilities are available at which time density is not allowed to exceed ~~seven-eight (78)~~ dwelling units per acre. This zoning district will facilitate the transition between lower intensity and higher intensity residential uses.

A) The following uses shall be permitted:

- i) Single-family detached residential dwelling units.
- ii) Single-family attached residential dwelling units.
- iii) Customary accessory structures incidental to these uses not to exceed 30% of living area of the principal structure, or ~~450~~ 600 square feet, whichever is greater.
- iv) ~~Guest-servant quarters~~ Accessory dwelling unit not to exceed 30% of living area of the principal dwelling unit pursuant to Section 156.010 of the Land Development code.
- v) Home Occupations pursuant to Section 156.020 of the Land Development Code.
- vi) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with 1-6 residents.
- ~~viii)~~ Two family (duplex) dwelling units.
- ~~ix)~~ Multi-family dwelling units.
- ~~x)~~ Neighborhood Commercial uses up to 15,000 square feet subject to approval as a PUD pursuant to Section 154.030(d)(10) of the Land Development Code.
- ~~xi)~~ Mobile Home Subdivision Development Requirements. The developer shall prepare and submit plans in accordance with the Subdivision Regulations of Chapter 157 of the Land Development Code.

B) Uses Permitted as Special Exception Use Upon Approval by the City Commission.

- i) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents pursuant to Section 155.030(b)(5) of the Land Development Code.
- ii) ~~Multi-family dwelling units.~~ Small and Medium Homestay Bed and Breakfast Inn.
- iii) Day care centers.

C) Uses Expressly Prohibited.

- i) General Commercial land uses.
- ii) Industrial land uses.
- iii) Any use prohibited by City, State or Federal law.

D) Other Possible Uses.

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

- 4) ~~R-3~~ R-15 **"Multi-Family High Density Residential."** This district is established to implement comprehensive plan policies for managing high density residential development at a density not to exceed four (4) dwelling units per acre unless central sewer facilities are available at which time density is not allowed to exceed fifteen (15) dwelling units per acre. This district is established to ensure that sufficient land is available for high density residential development.

A) *The following uses shall be permitted:*

- i) Single-family attached residential dwelling units.
- ii) Single-family detached residential dwelling units.
- iii) Two-family (duplex) residential dwelling units.
- iv) Multi-family residential dwelling units.
- v) Customary accessory structures incidental to the principal use not to exceed 30% of living area of the principal dwelling unit, or 450\_600 square feet, whichever is greater\_greater.
- ~~vi)~~ Accessory dwelling unit not to exceed 30% of living area of the principal dwelling unit pursuant to Section 156.010 of the Land Development code.
- ~~vii)~~ Home Occupations pursuant to Section 156.020 of the Land Development Code.
- ~~viii)~~ Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents.
- ~~ix)~~ Neighborhood Commercial uses up to 20,000 square feet subject to approval as a PUD pursuant to Section 154.030(d)(10) of the Land Development Code .
- ~~x)~~ Day Care Centers.

~~vii)xi)~~

B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission.*

- i) Mobile home subdivisions/parks.
- ii) Adult Congregate Living Facilities.
- iii) Nursing Homes.
- iv) Day Care Centers.
- v) Small, ~~and~~ Medium, and Large Homestay Bed and Breakfast Inn.

C) *Uses Expressly Prohibited.*

- i) General Commercial land uses.
- ii) Industrial land uses.
- iii) Uses prohibited by City, State or Federal law.

D) *Other Possible Uses.*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Mobile Home Park Development Standards.*

- i) A Master Park Plan shall be filed in accordance with the Site Plan Regulations of Chapter 160 of the Land Development Code.
- ii) A mobile home park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, fence or evergreen hedge not less than six (6) feet in height, if required by the City Commission.
- iii) A mobile home park shall meet the development design and improvement standards of Section 157.080 of the Land Development Code.

F) *Mobile Home Subdivision Development Requirements.*

The developer shall prepare and submit plans in accordance with the Subdivision Regulations of Chapter 157 of the Land Development Code.

- 5) ~~R-3A-10 “High Density Residential/Neighborhood Commercial-Multi-Family Medium Density”~~. This district is established to provide for a mix of high density residential and

neighborhood commercial uses not to exceed four (4) dwelling units per acre, unless central sewer facilities are available at which time density is not allowed to exceed ten (10) dwelling units per acre. It is intended to provide essential services to residential areas without detrimental effects to residential neighborhoods.

A) The following uses shall be permitted:

- i) Single-family attached dwelling units.
- ii) Single-family detached dwelling units.
- iii) Two-family (duplex) residential dwelling units.
- iv) Multi-family residential dwelling units.
- v) Customary accessory structures incidental to the principal use not to exceed 30% of living area of the principal dwelling unit, or ~~450~~ 600 square feet, whichever is greater.
- vi) Home occupations pursuant to Section 156.020 of the Land Development Code.
- vii) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents.
- viii) Day Care Centers.
- ix) ~~Offices for professional services.~~
- x) ~~Personal services.~~
- xi) Commercial uses ~~less than 25,000~~ up to 15,000 square feet subject to approval as a PUD pursuant to Section 154.030(d)(10) of the Land Development Code.

B) Uses Permitted as Special Exception Use Upon Approval of the City Commission.

- i) Mobile home subdivisions/parks.
- ii) Adult congregate living facilities.
- iii) Nursing homes.
- iv) Small, medium and large Homestay Bed and Breakfast Inn.

C) Uses Expressly Prohibited.

- i) General Commercial land uses ~~greater than 25,000 square feet.~~
- ii) Industrial land uses.
- iii) Adult Entertainment.
- iv) Uses prohibited by City, State or Federal law.

D) Other Possible Uses.

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

- 6) RP "Residential Professional." This district is established to implement comprehensive plan policies for managing transitional areas where existing residential structures can be utilized for personal and professional services and not adversely affect adjacent property. The density cannot exceed ~~six-four~~ (~~64~~) dwelling units per acre.

A) *The following uses shall be permitted.*

- i) Single family detached dwelling units.
- ii) Two family (duplex) dwelling units.
- iii) Customary accessory structures incidental to the principal use not to exceed 30% of the living area of the principal dwelling unit, or 450,600 square feet, whichever is greater.
- iv) Customary accessory structures incidental to the principal use not to exceed 15% of the living area of the principal dwelling unit.
- v) Business services.
- vi) Financial Services.
- vii) Personal Services.
- viii) Multi-family dwelling units.
- ix) Medical office/Clinic.

B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission.*

- i) Banks.
- ii) ~~Child-Day~~ Care Centers.
- iii) Health/Exercise Clubs.
- iv) Office/Warehouse Facilities.
- v) Veterinary Offices.
- vi) Game Recreation Facility.
- vii) Small, Medium and Large Homestay Bed and Breakfast Inn.

- C) *Uses Expressly Prohibited.*
  - i) Commercial parking.
  - ii) Industrial land uses.
  - iii) Retail sales.
  - iv) Uses prohibited by City, State or Federal law.
  - v) Adult Entertainment.

D) *Other Possible Uses.*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Maximum Intensity Standard.*

Coverage shall be limited to seventy (70) percent impervious surface ratio (which includes building coverage) and a maximum building height of thirty-five (35) feet.

- 7) C-1 "Neighborhood Commercial." This district is established to implement comprehensive plan policies for managing transitional areas between residential land uses and more intense commercial and industrial uses. This district is established to provide sufficient land for both medium density residential at a density not to exceed six (6) units per acre and professional/light commercial uses.

A) *The following uses shall be permitted:*

- i) Offices for professional services.
- ii) Personal services.
- iii) Convenience stores without fuel operations.
- iv) Laundry and dry cleaning retail stores.
- v) Day care centers.
- vi) Adult Congregate Living Facilities.
- vii) Licensed Community Residential Homes, Group Homes, Foster Care Facilities with more than six (6) residents.
- viii) Clubs, Lodges and Fraternal Organizations.
- ix) Financial Services.
- x) Office Supply.



- xi) Retail Sales & Services.
- xii) Business Services.
- xiii) Bed & Breakfast Inn.
- xiv) Office Complex.
- xv) Maintenance General Contractor.
- xvi) Medical Office/Clinic.

B) *Uses Permitted as a Special Exception Use Upon Approval of the City Commission.*

- i) Convenience stores with fuel operations.
- ii) Restaurants.
- iii) Banks.
- iv) Athletic/Sports Facility.
- v) Game/Recreation Facility.
- vi) Health/Exercise Club.
- vii) Mini-warehouses.
- viii) Veterinary Office.
- ix) Xerographic and Offset Printing.
- ~~ix)~~ Office/Warehouse Facility.

C) *Uses Expressly Prohibited.*

- i) Commercial Parking.
- ii) Wholesale commercial uses.
- iii) Industrial uses.
- iv) Uses prohibited by City, State and Federal law.
- v) Adult Entertainment.
- vi) RV Parks.

D) *Other Possible Uses.*

Any use not listed as permitted, permitted as a special exception use or prohibited may be allowed as a conditional use pursuant to Chapter 155 of this Code.

E) *Maximum Intensity Standard.*

The maximum intensity standard shall be limited to seventy (70) percent impervious surface ratio (which includes building coverage), maximum floor area ratio of 0.5, and a maximum building height of thirty-five (35) feet unless adequate fire protection is provided as and approved by the City Fire Inspector and Building Official.

8) C-2 "General Commercial." This district is established to implement comprehensive plan policies for managing commercial development. This district is designed to accommodate general retail sales and services.

A) *The following uses shall be permitted:*

- i) Adult/Vocational Education.
- ii) Appliance/Electronic Repair Shops.
- iii) Athletic/Sports Facility.
- iv) Auction Houses.
- v) Banks.
- vi) Bars, Lounges and Night Clubs.
- vii) Boat Sales and Services.
- viii) Business Services.
- ix) Commercial/Industrial Equipment and Supplies.
- x) Convenience Stores with or without Fuel Operations.
- xi) Day Care Centers.
- xii) Equipment Rental.
- xiii) Financial Services.
- xiv) Furniture and Appliance Stores.
- xv) Game/Recreational Facilities.
- xvi) Health/Exercise Clubs.
- xvii) Hotels/Motels.
- xviii) Kennels.

- xix) Maintenance Contractors.
- xx) Medical Office/Clinic.
- xxi) Mini-warehouses.
- ~~xxii) Mobile Home Sales.~~
- ~~xxiii) Motor Vehicle and Boat Storage Facilities.~~
- ~~xxiv) Motor Vehicle Dealer Sales.~~
- ~~xxv) Motor Vehicle Sales.~~
- ~~xxvi)~~xxii) Motor Vehicle Service Centers.
- ~~xxvii)~~xxiii) Motor Vehicle Service Stations.
- ~~xxviii)~~xxiv) Offices.
- ~~xxix)~~xxv) Office Complex.
- ~~xxx)~~xxvi) Office Supplies.
- ~~xxxi)~~xxvii) Pawn Shops.
- xxviii) Personal Services.
- xxix) Restaurants.
- xxx) Retail Home Building Materials.
- xxxi) Retail Sales and Services.
- xxxii) Shopping Center.
- xxxiii) Theaters.
- ~~xxxiv)~~xxxiv) Transportation Service.
- xxxv) Wholesales and Distributors.
- xxxvi) Veterinary Clinic.
- xxxvii) Licensed Community residential homes, group homes and foster care facilities with more than six (6) residents.
- xxxviii) One single family dwelling unit for owners/caretakers residence.
- xxxix) Motor Vehicle Repair Facility.

xli) Xerographic and Offset Printing.

xlii) Commercial parking.

B) *Uses Permitted as a Special Exception Use Upon Approval of the City Commission.*

i) Gun & Archery Range.

ii) Trucking Terminal.

iii) Farmers/Flea Markets.

iv) RV Parks.

v) Mobile Homes Sales.

vi) Motor Vehicle and Boat Storage Facilities.

vii) Motor Vehicle Dealer Sales.

iv) viii) Motor Vehicle Sales.

C) *Uses Expressly Prohibited.*

i) Residential uses.

ii) Industrial uses.

iii) Uses prohibited by City, State and Federal law.

iv) Adult Entertainment.

D) *Other Possible Uses.*

Any use not listed as permitted, permitted as a special exception use or prohibited may be allowed as a conditional use pursuant to Chapter 155 of the Code.

E) *Maximum Intensity Standard.*

i) The maximum intensity standard shall be limited to seventy (70) percent impervious surface ratio (which includes building coverage), a maximum floor area ratio of .50, and a maximum building height of thirty-five (35) feet unless adequate fire protection is provided as and approved by the City Fire Inspector and Building Official.

9) *Industrial.* This district is established to implement comprehensive plan policies for managing industrial development and to provide development for limited industrial operations engaged in fabricating, repair or storage of manufactured goods, where no objectionable by-products of the activity (such as odors, smoke, dust, refuse, electro-

magnetic interference, noise in excess of that customary to loading, unloading and handling of goods and materials) are noticeable beyond the lot on which the facility is located. No hazardous materials may be utilized by the industrial operations permitted in this district. The location of such districts shall take into consideration access to rail and terminal facilities, major arterial roadways, labor markets and necessary urban services. Such districts shall be accessible to major thoroughfares and buffered from residential neighborhoods.

A) *The following uses shall be permitted:*

- i) Airport and related activities.
- ii) Agriculturally related industry.
- iii) Boat repair.
- iv) Commercial/Industrial Service.
- v) Construction **Contractor's** Yard and Storage.
- vi) Distribution Centers.
- vii) Laboratory/Research and Development.
- viii) Laundry/Dry Cleaning Plants.
- ix) Manufacturing: Craftsman Shops.
- x) Manufacturing: Fabrication.
- xi) Manufacturing: Processing.
- xii) Motor Vehicle Repair Facility.
- xiii) Motor Vehicle Towing and Impoundment.
- xiv) Trucking Terminal.
- xv) Warehousing.
- xvi) ~~All permitted C-2 uses~~ Wholesale Commercial Uses.
- xvii) Xerographic and Offset Printing.
- xviii) Appliance/Electronic Repair Shops
- xix) Commercial Parking
- xx) Convenience Stores with or without Fuel Operations
- xxi) Equipment Rental
- xxii) Maintenance Contractor
- xxiii) Motor Vehicle Service Center
- xxiv) Motor Vehicle Service Station
- xxv) Transportation Service
- ~~xvii)~~ xxvi)

B) *Uses Permitted as a Special Exception Use Upon Approval of the City Commission.*

- i) One single-family residential dwelling unit on the site of a permitted use to be used exclusively by an owner/caretaker.
- ii) Used motor vehicle parts yard.
- iii) Natural Gas/Propane Distribution Centers.

C) *Uses Expressly Prohibited.*

- i) Residential dwelling units except for Section 154.030(d)(7)(b)(I).
- ii) Uses prohibited by City, State and Federal law.

~~iii) Adult Entertainment.~~

D) *Other Possible Uses.*

Any use not listed as permitted, permitted as a special exception use or prohibited may be allowed pursuant to Chapter 155 of this Code.

E) *Maximum Intensity Standard.*

The maximum intensity standard shall be limited to seventy-five (75) percent impervious surface ratio (which includes building coverage), a maximum floor area ratio of .50, and a maximum building height of thirty-five (35) feet unless adequate fire protection is provided as and approved by the City Fire Inspector and Building Official.

- 10) *PUD "Planned Unit Development."* The PUD district is established to implement comprehensive plan policies for encouraging affordable housing by allowing a variety of housing types with a broad range of housing costs. This district is designed to encourage innovative development concepts to provide design amenities and to manage natural features of the land. The location of such PUDs will be dictated by the type of development that will be provided. (Residential PUDs will be located in residentially designated areas of the Future Land Use Map of the comprehensive plan, commercial PUDs will be located in commercially designated areas of the Future Land Use Map, etc.) Densities and intensities cannot exceed those which are permitted in that area on the Future Land Use Map. Preliminary and/or Conceptual Development plans are required to be submitted along with the rezoning application.

A) *The following uses shall be permitted:*

- i) *Residential PUD* – Single- and Multi-family residential dwelling units provided, however, that the housing stock of PUDs located within the Single-family overlay district of the Future Land Use Map which utilize multi-family units must consist of a minimum of 51% single-family dwelling units. On-site recreational facilities and on-site day care facilities, convenience store and personal services intended to service the principal use shall also be permitted.

- ii) *Mixed Use PUD* – All uses as permitted under the R-~~42~~, R-~~24~~, R-~~315~~, RP, ~~PFD~~, and C-1 zoning districts and other uses deemed appropriate and incidental to the primary use by the City Commission.

The Mixed Use PUD located within the Mixed Community land use category shall accommodate a use mix consistent with at least two of the three of the following table and shall not exceed a density of 6 units per acre:

<u>Use</u>	<u>Minimum</u>	<u>Maximum</u>
<u>Residential</u>	<u>15%</u>	<u>65%</u>
<u>Commercial</u>	<u>5%</u>	<u>30%</u>
<u>Institutional</u>	<u>5%</u>	<u>35%</u>
<u>Parks &amp; Open Space</u>	<u>20%</u>	
<u>FAR</u>		<u>.70</u>
<u>ISR</u>		<u>.80</u>

The Mixed Use PUD located within the General Mixed Use land use category shall accommodate a use mix consistent with at least two of the three of the following table and shall not exceed a density of 12 units per acre:

<u>Use</u>	<u>Minimum</u>	<u>Maximum</u>
<u>Residential</u>	<u>15%</u>	<u>65%</u>
<u>Commercial</u>	<u>5%</u>	<u>30%</u>
<u>Institutional</u>	<u>5%</u>	<u>25%</u>
<u>Parks &amp; Open Space</u>	<u>20%</u>	
<u>FAR</u>		<u>.70</u>
<u>ISR</u>		<u>.80</u>

The Mixed Use PUD shall incorporate the following principles:

- 1)The creation of an attractive and high quality environment that is compatible with the scale and character of the surrounding community.
- 2)The development of commercial, residential and mixed use areas that is safe, comfortable and attractive to pedestrians.
- 3)The location of the commercial center so that it is easily accessible by pedestrians from as many of the residential areas as possible.
- 4)The maximization of shared parking.
- 5)To develop a network of parks, walkways, public art, and cultural facilities that encourage a sense of place and the overall health and well being of the community.
- 6)To encourage a mix of housing types and styles that provides people with affordable housing choices that can accommodate changes in lifestyle.
- 7)Encourage alternative forms of transportation.

- iii) *Commercial PUD* – Commercial uses as permitted under the C-1 zoning district and other uses deemed appropriate and incidental to the primary use by the City Commission.
- iv) *Industrial PUD* – Industrial uses as permitted under the Industrial zoning district, commercial uses intended to service the primary uses and other uses deemed appropriate and incidental to the primary use by the City Commission.

<sup>a</sup>Maximum Density/Intensity.

The maximum density/intensity allowed within the PUD shall be as allowed within the overlay land use districts as delineated on the Future Land Use Map). A density bonus may be permitted as outlined in Section 154.030(d)(8)(I), below.

<sup>b</sup>PUD Land Uses.

Land uses proposed within a PUD must conform to uses allowed within the land use designations of the Future Land Use Map of the Comprehensive Plan.

B) *Minimum Parcel Size.*

The minimum size of any parcel shall be ten (10) acres. A lesser minimum area may be approved if the City Commission determines that the intent and purpose of the PUD district and expressed municipal development policy would be served in such case.

C) *Unified Ownership.*

All land within the PUD shall be under the ownership or control of the applicant at the time of execution of the development agreement whether the applicant be an individual, partnership or corporation or groups of individuals, partnerships or corporations.

D) *Setbacks and Buffering.*

Setback requirements within the PUD shall be flexible however, in no case shall the setback be less than ten (10) feet between structures. Buffering requirements shall be established at the time of rezoning of the property to a PUD.

E) *Pre-application Conference (Optional).*

It is recommended that a pre-application conference be held between the City Manager or designee and the developer or the **developer's** representatives, in order to verify the steps necessary for application and review, and discuss potential issues regarding the PUD proposal. Comments made during the pre-application



conference are totally non-binding on the formal review of the preliminary development plan.

F) *Application for Rezoning.*

Application for preliminary development plan and rezoning approval shall be made to the City utilizing the form provided by the City. The application shall be accompanied by seven (7) copies of the preliminary plan prepared in accordance with the requirements of the Land Development Code.

G) *Preliminary Development Plan.*

In order to implement the goals and policies of the Comprehensive Plan and to streamline the development review process, the applicant shall have the option of preparing the following types of submittals:

- i) *Conceptual Plan* – If the applicant so chooses, a conceptual plan may be submitted prior to the first rezoning hearing for review by the TRC. The conceptual plan shall include the following:
  - a) Boundary of subject property.
  - b) Major natural features such as lakes, streams, wetlands and natural communities.
  - c) Existing or proposed streets abutting the project.
  - d) Generalized location map and legal descriptions, including acreage.
  - e) Proposed land use types and their location.
  - f) Gross densities.
  - g) Typical lot sizes showing setbacks and dimensions.
  - h) Number of units and type.
  - i) Floor area for commercial or industrial.
  - j) Adjacent zoning.
  - k) Maximum building heights.
  - l) Anticipated phasing plan.
  - m) Proposed method of providing water service, including fire protection, sewage disposal and stormwater management.

- n) Percentage of Open Space and location.
- o) Acreage of Parks/Recreation and location.
- p) Typical road section.
- q) Soils and 100 year flood prone areas.
- r) Project name.
- s) Existing topography at one-foot contours based on Lake County or St. Johns River Water Management District datum).
- t) Net living area for each type of dwelling unit.
- u) Preliminary Environmental Assessment per Chapter of the Land Development Code.
- v) Parking & Loading facilities.
- w) Any other information deemed pertinent by the TRC, Planning and Zoning Board or City Commission).

Upon approval of the Conceptual Plan and rezoning application by the TRC, the Planning and Zoning board and the City Commission, a preliminary development plan must be submitted for review and approval by the TRC prior to construction.

- ii) *Preliminary Development Plan* – In order to streamline the process, the applicant may elect to file a preliminary development plan for rezoning approval that meets the requirements of a Preliminary Plan submittal as outlined in Section 157.060(d)(3) of the Land Development Code. This plan can be submitted in lieu of the conceptual plan. Should the developer elect to submit the preliminary plan with the rezoning application, and upon approval of the rezoning application, the applicant can proceed with final development plan approval as outlined in Section 157.060(d)(20) of the Land Development Code.

H) *Open Space Requirements.*

A minimum of twenty-five percent (25%) of the total project area shall be established and maintained as common open space or common facilities. No area shall be accepted as common open space unless it satisfies the following standards.

- i) Common open space shall be dedicated to and useable by all residents of the Planned Unit Development or specific phase thereof.
- ii) Common open space set aside for recreational use shall be suitably improved for its intended use. Such improvements may include aesthetic, amenities, buffering or recreational facilities.
- iii) Common open space set aside for the preservation of natural

features or listed species habitats or for buffering purposes shall remain undisturbed and be protected by conservation easements dedicated to the City pursuant to Chapter 165 of the Land Development Code.

- iv) Common open space shall not be used for the construction of any structures other than recreational facilities and incidental maintenance buildings.
- v) Common open space shall be maintained by the Home Owner's Association or other legal entity of the Planned Unit Development or the specific phase thereof.

l) *Density Bonuses.*

a) *Affordable Housing.*

Residential developments may receive a density bonus not to exceed 20% of the density permitted by the applicable land use designation for the provision of affordable housing units.

An affordable dwelling unit shall be a dwelling unit which:

<sup>a</sup>has a market value less than two (2) times 80% of the median annual household income of Lake County or

<sup>b</sup>has a monthly rent less than or equal to  $\frac{1}{12} \times 25\%$  of 80% of the median annual household income of Lake County.

<sup>c</sup>the affordable housing density bonus shall be determined as follows:

% of total units affordable	Bonus
20 - 30%	10%
31 - 50%	15%
51% +	20%

ii) *Environmental Protection.*

Residential developments may receive a density bonus of up to 100% of the number of units allowed by the underlying comprehensive land use designation for the transfer of units from on site non-altered wetlands and upland habitat.

<sup>a</sup>The total number of units transferred shall not exceed the gross density as allowed on the Future Land Use Map.

<sup>b</sup>A conservation easement pursuant to Chapter 165 of the Land Development Code shall be recorded for the property from which the units are to be transferred. Such easement shall specify that no uses other than passive recreation uses shall be allowed on the property and shall state that the easement shall restrict such land in perpetuity. The easement shall be approved by the City Attorney and recorded in the public records of Lake County.

J) *Application Review Process.*

- i) *Technical Review Committee (TRC).* All applications shall be reviewed by the **TRC staff and members'** comments shall be delivered and discussed at a regularly scheduled meeting. Formal comments of the TRC shall be transmitted in writing to the applicant no later than three (3) working days after the meeting. A formal staff report will be forwarded to the Planning and Zoning Board with staff recommendations.
- ii) *Resubmittal of the Revised Preliminary Development Plan.* Resubmittal of the preliminary development plan reflecting revisions required by TRC comments shall be made within five (5) days of the regularly scheduled TRC meeting.

K) *Approval of Application for Rezoning.*

- i) *Planning and Zoning Board Action.* The Planning and Zoning Board shall consider the submitted plan and rezoning application at a regularly scheduled meeting to determine if the application meets the requirements of this code. Upon consideration of comments and recommendations of the TRC and public, the Board shall take one of the following actions:

<sup>a</sup>Postpone the consideration of the application until the next regularly scheduled meeting to allow for the resolution of outstanding issues.

<sup>b</sup>Recommend that the application be approved.

<sup>c</sup>Recommend that the application be approved with conditions.

<sup>d</sup>Recommend that the application be denied.

- ii) *City Commission Approval.* The City Commission shall consider the submitted plan and rezoning application at a regularly scheduled meeting, and determine if the application meets the requirements of the Land Development Code. Upon consideration of the comments of the TRC, the public, and the recommendation of the Planning and Zoning Board, the City Commission shall take one of the following actions:

<sup>a</sup>Postpone the consideration of the application until the next regularly scheduled meeting to allow for the resolution of outstanding issues.

<sup>b</sup>Approve the application.

<sup>c</sup>Approve the application with conditions.

<sup>d</sup>Deny the application.

- L) *Alterations to Preliminary Development Plan.* Alterations to the approved Preliminary Development Plan shall be classified as either substantial or non-substantial amendments. The following criteria shall constitute a substantial amendment.
- i) A change which would include a land use not previously permitted under the approved PUD zoning.
  - ii) A change that would increase the land use intensity by ten percent (10%) within any development phase without a corresponding decrease in some other portion of the overall PUD.
  - iii) A change that would require an amendment to the conditions approved by the City Commission.

A determination of a substantial or non-substantial alteration shall be made by the City Manager.

Alterations to the preliminary development plan which are determined to be substantial must be submitted with plans and support data for review by the TRC, the Planning and Zoning Board and the City Commission.

All proposed alterations to an approved plan must be submitted to the City Manager for a determination of whether the alteration is substantial or non-substantial.

- M) *Execution of Master Development Agreement.* The second reading of the ordinance for rezoning any land to a PUD district shall not take place until the developer has provided an executed copy of the master development agreement to the City Manager or designee. The document shall be a fully corrected copy which addresses all issues discussed prior to the scheduled second reading. The document shall also include reduced copies of the revised conceptual plan exhibits. If there are no additional requirements, corrections, or conditions attached by the City Commission at the second reading, the executed document shall be signed by the City Manager and Mayor and forwarded to the County Clerk for recording. If there are additional requirements, corrections or conditions attached by the City Commission at the second reading, the applicant shall revise the agreement and conceptual plan and return the documents to the City Manager within thirty (30) days for execution and recording. The requirement to return the document within thirty (30) days shall be specified by the City Commission as a condition for approval of the rezoning.
- N) *Failure to Provide Timely Resubmission.* Failure to meet any of the resubmission deadlines cited above shall require the filing of a new application, including the appropriate review fees. However, the City Manager may extend the deadlines cited above, when warranted by unforeseeable events. A request for extension shall be filed in writing with the City explaining the circumstances justifying the extension.

- O) *Final Development Plan Approval.* Unless otherwise noted within the development agreement, final development approval for subdivisions or site plans within the PUD shall be required in accordance with the general procedures established by this code. Conceptual plan exhibits of the master development agreement which fully satisfy the requirements for conceptual subdivision plan submittal shall be considered as such.
  - P) *Expiration of Master Development Agreement.* Any master development executed and recorded after the adoption of this development code shall be required to include an expiration date or series of expiration dates tied to specific improvements or phases. Such date(s) shall be determined based upon the size of the project, installation of physical improvements, and any other factors pertinent to the specific proposal. If the City should determine that the developer has failed to satisfy the requirements necessary to avert expiration, the development agreement shall become null and void, and approval of any additional final development plans for the PUD shall not be permitted without resubmission and approval of a new development agreement in accordance with the procedures established in this development code.
- 11) PFD "Public Facilities District" The PFD district is established to manage policies of the comprehensive plan for development of public facilities. This district is established to provide for the special or substantial public interest facilities that are so desired. Conceptual site plans are required to be submitted along with rezoning applications.
- A) *Permitted Uses.*
    - i) Airports.
    - ii) Auditoriums, stadiums, arenas and expositions.
    - iii) Broadcasting facilities.
    - iv) Municipal/governmental buildings, structures and uses.
    - v) Cemeteries.
    - vi) Houses of worship.
    - vii) Educational institutions.
    - viii) Day care centers.
    - ix) Electric power substations and operation centers.
    - x) Gas and water metering stations.
    - xi) Hospitals, clinics and medical facilities.
    - xii) Public parks and recreational facilities.

- xiii) Post offices.
- xiv) Libraries.
- xv) Police and fire facilities.
- xvi) Sewage treatment facilities.
- xvii) Water supply operations.
- xviii) Adult care facility.
- xix) Clubs, lodges and fraternal organizations.
- xx) Funeral homes.
- xxi) Crematorium.
- xxii) Any other use of a similar nature when approved by the City Commission.

B) *Locational Criteria for PFD Districts.*

- i) The approved use shall front on an arterial or collector roadway. Sewage treatment facilities, water supply operations, electric power substations and operation centers and cemeteries are exempt from this requirement.
- ii) Approved uses shall comply with appropriate landscaping and buffering requirements and access management requirements.
- iii) The site must be located in close proximity to the main user group.
- iv) The approved use must serve the majority of the population.

C) *Maximum Intensity Standard.*

The maximum intensity standard shall be seventy (70) percent impervious surface ratio (which includes building coverage) and a maximum building height of thirty-five (35) feet.

D) *Site Plan Requirements.*

- i) In order to establish "PFD" Public Facility District, the applicant must provide a Conceptual site plan as outlined in Section 154.030(d)(7)(G)(i) of the Land Development Code, with a zoning application.

- ii) After approval of the zoning, a final site plan meeting the requirements of Section 160.080 of the Land Development Code must be submitted and approved by the Technical Review Committee (TRC) before any building permits are issued or the start of operation of activity on the site.

12) GB Greenbelt District This district is established to provide green, undeveloped areas and to protect floodplains, wetlands, other natural resources and agricultural uses. Areas of the city in which this category is most appropriate are designated as "**conservation**" on the future land use map of the comprehensive plan; however, this district is also permitted within all other land use designations.

A) *Permitted Uses.*

- i) Groves and farms.
- ii) Single-family homes and customary accessory uses.
- iii) Swamps, wetlands and forests.
- iv) Private and public gardens.
- v) Pastures.
- vi) Nature preserves.
- vii) Private and public parks.
- ~~vi)viii)~~ Riding stables.

B) *Uses Permitted as Special Exception use Upon Approval by the City Commission.*

- ~~i) Private and public parks.~~
- ii) Golf courses.
- iii) Retail or wholesale plant production, nurseries and greenhouses.
- iv) Fishing clubs and marinas.
- ~~v) Riding stables.~~

C) *Uses Expressly Prohibited.*

All uses not listed above are expressly prohibited.

D) *Site Development Standards.*

- i) Minimum lot size (for buildings): One acre.



- ii) Minimum lot width at building line: 200 feet.
- iii) Minimum dwelling size: 1000 sq. feet.
- iv) Minimum street frontage: 50 feet.
- v) Minimum building setbacks:
  - Front yard: 50 feet.
  - Side yard: 25 feet.
  - Rear yard: 25 feet.
  - From any street: 50 feet.
- vi) Maximum building height: 35 feet.
- vii) Parking: See Section 162.040.
- viii) Landscaping and buffers: See Section 164.030.
- ix) Signs: See Chapter 163.
- x) Access: See Section 162.030.

13) "CBD" Central Business District Mixed Use. This district is established to encourage economic activity, living quarters and local employment opportunities within the central area of the City. Residential density shall not exceed four (4) dwelling units per acre, unless central sewer facilities are available at which time density is not allowed to exceed ten (10) dwelling units per acre.

A) The following uses shall be permitted.

- i. Residential dwelling units on 2<sup>nd</sup> or 3<sup>rd</sup> floor.
- ii. Bed and Breakfast Inn.
- iii. Convenience stores without fuel operations.
- iv. Day care centers.
- v. Business Services.
- vi. Financial Services.
- vii. Retail sales and services.
- viii. Medical office/Clinic.
- ix. Offices for professional services.
- x. Office supply.
- xi. Personal Services
- xii. Restaurants.

B) Uses Permitted as Special Exception Use Upon Approval of the City Commission.

- i) Banks.

- viii) Day Care Centers.
- ix) Health/Exercise Clubs.
- x) Tattoo parlor.
- xi) Veterinary Offices.
- xii) Game Recreation Facility.

C) Uses Expressly Prohibited.

- i) Commercial parking.
- vi) Industrial land uses.
- vii) Uses prohibited by City, State or Federal law.
- viii) Adult Entertainment.

D) Other Possible Uses.

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) Maximum Intensity Standard.

Coverage shall be limited to eighty (80) percent impervious surface ratio (which includes building coverage), a maximum floor area ratio of 1.0, and a maximum building height of three story's.

**SECTION 154.040: SIZE AND DIMENSION CRITERIA**

The following tables incorporate required size and dimension requirements which shall be applicable within each zoning district. All development shall have a total land area sufficient to satisfy all standards stipulated within the Land Development Code, including but not limited to:

- Setback requirements;
- Open space, buffers and landscaping requirements;
- Surface water management;
- Water and wastewater facilities;
- Access, internal circulation and required off-street parking;
- Environmental protection; and
- Soil erosion and sedimentation control standards.



SCHEDULE OF DIMENSIONAL REQUIREMENTS								
DISTRICT	MIN. LIV. AREA/D.U. IN SQ. FT.	MIN/LOT AREA/D.U.		MIN. LOT WIDTH (FT.)		MAX BLDG. COV.	MIN OPEN SPACE *1	MAX HEIGHT (FT.)
		WITH SEPTIC TANK	WITH CENTRAL SEWER	WITH SEPTIC TANK	WITH CENTRAL SEWER			
R- <del>2</del>	1200	20,000 S.F.	20,000 S.F.	100 FT.	100 FT.	30%	25%	35 FT.
R- <del>24</del> SF	1200	12,500 S.F.	10,000 S.F.	80 FT.	80 FT.	30%	25%	35 FT.
R- <del>3</del> 8, R-10, R- 15 SF	1000	10,000 S.F.	8,000 S.F.	80 FT.	65 FT.	30%	25%	35 FT.
R- <del>3</del> 8, R-10, R- 15 DFP	600 EACH	10,000 S.F.	6,000 S.F.	80 FT.	60 FT.	30%	25%	35 FT.
R- <del>38</del> , R- 10, R-15 TRIPLEX	600 EACH	15,000	9,000	100 FT.	90 FT.	30%	25%	35 FT.
R- <del>38</del> , R- 10, R-15 MF	600 EACH	N/A	N/A	20* <del>2</del> FT.	20* <del>2</del> FT.	30%	25%	35 FT.
RP	N/A	12,500 S.F.	10,000 S.F.	100 FT.	100 FT.	N/A	25%	35 FT.
<u>CBD</u>	<u>600 EACH</u>	<u>10,000</u>	<u>6,000</u>	<u>80 FT.</u>	<u>60 FT.</u>	<u>.80</u>	<u>N/A</u>	<u>3 Story</u>
C-1	N/A	15,000 S.F.	15,000 S.F.	125 FT.	125 FT.	N/A	30%	35 FT.
C-2	N/A	20,000 S.F.	20,000 S.F.	150 FT.	150 FT.	N/A	30%	35 FT.
I	N/A	30,000 S.F.	30,000 S.F.	200 FT.	200 FT.	N/A	25%	35 FT.
GB	1000	43,560 S.F.	43,560 S.F.	200 FT.	200 FT.	N/A	30%	35 FT.

NOTE: Lots widths are measured along the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line. Maximum building heights may be increased if adequate fire protection measures are provided.

1. May include stormwater facilities, landscaping and/or buffers.  
See Chapter 169 for PUD requirements.

~~\*2.~~ Applies to townhomes

CITY OF FRUITLAND PARK SCHEDULE OF SETBACK REQUIREMENTS <i>MINIMUM BUILDING SETBACK IN FEET (FT)</i>			
DISTRICT	FRONT	SIDE	REAR
R- <del>12</del>	30	15	25
R- <del>24</del>	30	10	20
R- <del>38</del> DP	30	10	20
TRIPLEX	30	10	20*
MF	30	15	30
PFD	30	15	15
PUD	**	**	**
RP	30	10	20
<u>CBD</u>	<u>30</u>	<u>10/0***</u>	<u>15</u>
C-1	30	10/0***	15
C-2	50	10/0***	15
I	50	25	25
GB	50	25	25

\* Each additional story will add 5 feet to the rear setback.  
 \*\* Setbacks for PUDs are flexible, however, in no case shall the rear or side setback be less than 10 feet between structures. See Chapter 169 for individual PUDs.  
 \*\*\* A zero lot line is allowed on one side setback only with a minimum setback of ten (10) feet on the opposite side.

Revised 07/20/2000

SECTION 154.050: NONRESIDENTIAL DESIGN DISTRICT STANDARDS

The purpose and intent of these Design District Standards is to guide development and redevelopment toward creating an interrelated and predictable pattern of buildings, streetscapes, and landscapes that improve the aesthetics of the built environment within Fruitland Park. To proactively prepare for impending growth the City of Fruitland Park has undertaken the establishment of these standards that will improve the image and appearance of all development. The basic premise is that quality appearance will result in quality development.

Design standards also protect the community's investment. When the aesthetic appearance of a community is maintained or improved, a sense of pride develops for the residents, owners, and merchants. Further, design standards improve the City's economic standing. In the absence of design standards, other areas in the region may position themselves with a more competitive advantage to attract residents and merchants. The City encourages economic growth and wants to provide a business atmosphere where the private sector can flourish.

Meanwhile the City is tasked with protecting its existing neighborhoods and businesses from the potential impacts of development. Special attention has been placed on the creation of a quality, safe, and functional environment. Buffers, landscaping, and building placement on a parcel can mitigate potential impacts to surrounding properties.

These Design District Standards exhibit specific themes of expectations for development within Fruitland Park. An interconnected transportation network and pedestrian accessibility are primary concerns for new development and redevelopment. Land should be developed by utilizing infrastructure and resources efficiently. The City requires the design of new development to be visually sensitive to surrounding development and the environment through architectural standards, buffering, landscaping, and building placement.

a) Applicability of Design Standards

The Design District Standards cover all commercially zoned properties within the City limits and the Joint Planning Area (JPA) between the City and Lake County.

The design standards are applicable to nonresidential development and mixed-use development and redevelopment. The Design District Standards shall be applicable if one or more of the following criteria are met:

- 1) Nonresidential Development:
  - A) The building floor area of a structure is being increased by more than thirty percent (30%).
  - B) The property is subject to a change of use from residential to nonresidential.
  - C) All Planned Developments (PD) and Developments of Regional Impact (DRI).
- 2) Additional Provisions:

- A) Section 154.060(e) (Colors) shall apply when the exterior of an existing building or any portion thereof, including trims or accents, is repainted. Section 154.060(e) shall apply even in those cases where no other work is being conducted. A submission of the proposed color theme including base, trim, and accent colors for approval by the Community Development Director is required prior to the issuing of the Commercial Structure Painting Permit. There is no charge for the Commercial Structure Painting Permit.

SECTION 154.060:     DESIGN STANDARDS

a)           Landscape Buffers

A twenty-five foot (25') landscape buffer is required from the right-of-way. A five foot (5') paved sidewalk is required within the established buffer unless a sidewalk already exists. An additional path or trail may be required by the City to accommodate alternative forms of transportation. For internal streets, Florida Friendly Landscaping, including street trees, evergreen shrubs, planter boxes, or other approved designs should be used between the sidewalk and the travel lanes to buffer pedestrians from moving vehicles.

The buffer area is not to be utilized for stormwater management unless approved by the Community Development Director due to severe constraints of the site.

b)           Big Box Stores

Big box stores, defined as any store which exceeds 50,000 square feet on a single level, are permissible in the Design District.

c)           Outparcels

Frequently, large shopping and business centers have a few uses that develop stand-alone buildings, known as outparcels, at the perimeter of a site adjacent to the public right-of-way. Large-scale developments that have a primary building and/or anchor stores and secondary outparcels must conform to the following standards:

- 1) Interconnection of pedestrian walkways with the main structure and adjacent outparcels is required. Vehicular connection between outparcels, the main structure, and adjacent outparcels is required to provide for safe and convenient vehicular movement within a site.
- 2) Consolidated and shared parking is required to reduce the amount of impervious surface.

d)           Circulation and Access

Development shall be designed to minimize the interaction of vehicles with pedestrians and bicyclists. Efficient and safe circulation systems for vehicles, pedestrians, and bicyclists will be required for all developments.

Cross-access and shared access shall be required between individual uses. Internal cross-access and shared use agreements for driveways shall be used to facilitate access and connections between adjacent sites. Frontage roads or service roads may also be considered to connect all parcels.

e) Drive-through Establishments

Drive-through lanes must be designed with pedestrian safety as the first priority. Drive-through designs must have the same detail of the principal structure and match the materials and roof of the principal structure.

A pass-through lane shall be required for all drive-through facilities. The pass-through lane shall be constructed adjacent to the stacking lane(s) in order to provide a way out of or around the stacking lane(s).

SECTION 154.070: *BUILDING DESIGN AND ARCHITECTURAL STANDARDS*

a) Building Facade

The front elevation of the building should be faced, with design features that give it a more pedestrian scale appearance. Large-scale features such as long uninterrupted storefront windows are to be avoided. The use of mullions and dividers in large windows is encouraged. Large areas of blank walls should be reserved for the rear of the building. Metal buildings are to be faced with other materials to break up the purely metal facade.

When a building has elevations on more than one roadway or pedestrian area, the City may require that each elevation maintains the dominant theme of the main entrance.

The size, scale, materials and use of colors for the building facade design should be kept constant across the entire building facade in order to tie the complete composition together.

When using more than one material on the facade, it is recommended to have one as the dominant theme with the others acting only to complement or accentuate the design.

Architectural elements of the facade should be aligned with and compliment the architectural elements on adjacent buildings to maintain the rhythm of the block.

Entrances to smaller stores shall be recessed or framed by a sheltering element such as an awning, arcade, porch or portico.

The primary entry to a building is the best place to be creative with the use of depth in a facade. The added depth and articulation help to draw attention to the entry and highlight it as an important place.

b) Roof Design



The roof design of the building should be in keeping with the overall scale of the structure itself. Overly large, bold or inflated roof and fascia designs are discouraged.

Flat roof structures should utilize recognizable cornice treatments and be capped by an articulated parapet design that acts as a structural expression of the building facade and its materials.

Sloped roof structures should maintain a pitch between a 5/12 minimum and a 12/12 maximum on all primary roof areas. Buildings with sloped roofs are encouraged to employ the use of dormers and reversed gables along the front elevation to help maintain a prominent facade. Mansard and shed roof designs are discouraged.

Air handling units, condensers, satellite dishes and other equipment placed on the roof should be screened by building elements and not be visible from the street.

The roof structure should be designed so as to divert rainwater from the pedestrian areas such as walkways and doors. The use of canopies, awnings or similar protective designs is also encouraged at entry locations.

Breaks and fluctuations in the roofline are encouraged to highlight important areas of the building such as the main entrance and to break up longer runs of the facade/roof area.

c) Materials

The use of brick, stone (cast and natural), split-faced concrete block, glass block, ceramic tile and fiber cement horizontal lap siding or another material if approved by the Community Development Director is required.

The use of decorative coursing and quoins in masonry walls is encouraged.

When making a transition from one material to the next, it is recommended that the change occur at a hard edge or "bump out" in the facade.

Acceptable materials for sloped roofs include pre-finished metal, terracotta tile and laminated 'architectural' asphalt shingles.

The following materials are discouraged in visible locations:

- 1) Corrugated or beveled metal siding
- 2) Corrugated fiberglass
- 3) Plywood, OSB or particleboard siding
- 4) Unfinished smooth concrete block

d) Lighting

Each building project will require the submission of an exterior Lighting Design Plan.

Exterior lighting of the building and site should be designed so that light is not directed off the site and the light source is to be shielded from direct offsite viewing.

All exterior light fixtures should be fully shielded or be designed with light angle cut-offs so as to eliminate spill light, trespass light and glare. Down-lighting full building walls and roof lighting is prohibited.

Mounting height of pedestrian walkways should not exceed twelve feet (12') with lower heights preferred.

The use of low, bollard-type fixtures mounted two feet (2') to four feet (4') in height are encouraged for lighting pedestrian sidewalks and building entrances.

Ensure that lighting enhances pedestrian safety.

e) Colors

The main color theme for a building should be of a natural, muted shade with brighter colors used only to create accents.

When using multiple colors on the exterior of the building only one color should be used as the main theme, with other colors used more sparingly to create accents.

No more than three (3) different colors or color shades (one primary/body color and no more than two accent/trim colors should typically be used on a single building.

Prohibited colors include the use of intense, florescent or day-glow colors, black as the predominant exterior color and monochromatic color schemes. Colors that are determined to be garish, gaudy, loud, excessive and ostentatious or that otherwise constitute a glaring and invasive contrast to surrounding buildings shall be prohibited. A solid band of color or groups of color shall not be used for architectural detail.

## ORDINANCE 2017 – 022

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; ESTABLISHING A TEMPORARY MORATORIUM WITHIN THE CORPORATE LIMITS OF THE CITY OF FRUITLAND PARK PROHIBITING MEDICAL CANNABIS ACTIVITIES DURING THE MORATORIUM PERIOD; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, in 2014, the Florida legislature passed the Compassionate Medical Cannabis Act (“Compassionate Use Act”) legalizing the cultivation, processing and dispensing of low-THC cannabis by a qualified dispensing organization for qualified patients; and

**WHEREAS**, in 2016, the Florida legislature amended the Right to Try Act, amending the Compassionate Use Act and legalized the cultivation, production and dispensing of medical cannabis, and derived products, by a qualified dispensing organization for eligible patients; and

**WHEREAS**, future constitutional amendments and legislation may further expand the legal use of medical cannabis in Florida; and

**WHEREAS**, businesses licensed pursuant to the law have begun cultivating cannabis for processing and dispensing; and

**WHEREAS**, SB 8A/HB 5A was recently adopted by the Florida legislature which preempts control of cultivation, processing and delivery to the State; however, local governments are empowered to regulate the location and number of medical marijuana treatment centers within its boundaries, or may ban them from their jurisdictions; however, if not banned, then regulations may not be more restrictive than ordinances for pharmacies

**WHEREAS**, the Commissioners desires to discuss the impacts on city resident of medical cannabis dispensing facilities within the City; and

**WHEREAS**, the Commission need time in which to evaluate whether or not the City should ban MMTC within the City or adopt regulations pertaining to the location and number of dispensing facilities; and

**WHEREAS**, the Commissioners finds that a ban or regulation of the dispensing of cannabis will benefit the health, safety and welfare of the residents of Fruitland Park and will reduce adverse impacts on the community; and

**WHEREAS**, the purpose of this ordinance is to place a temporary moratorium on medical cannabis activities, as defined herein, for a period of time that is reasonably necessary for the Commissioners to determine proper regulations regarding such facilities, if deemed advisable, or to determine whether they should be banned.

**NOW, THEREFORE, BE IT ORDAINED** by the Commissioners of the City of Fruitland Park, Lake County, Florida, as follows:

**Section 1.     Recitals.** The foregoing recitals are true and correct and incorporated herein by reference.

**Section 2. Amendment.** The Code of Ordinances of the City of Fruitland Park, Florida, is hereby amended by adding Chapter 104, entitled "Community Protection" which reads as follows:

## **CHAPTER 104 – COMMUNITY PROTECTION**

### **ARTICLE I. MEDICAL CANNABIS ACTIVITIES.**

#### **Sec. 104.01. Definitions.**

For the purposes of this article, the following terms, whether appearing in the singular or plural form, shall have the following meanings:

Low-THC cannabis means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

Medical cannabis activities means the growing, planting, harvesting, drying, processing and wholesale and retail sale of Medical cannabis, including Low-THC cannabis and derivative products, or any subset of such activities, or any related activities, including medical marijuana treatment facilities.

Medical cannabis means the substance defined in section F.S. § 381.986, as may be amended.

#### **Sec. 104.02. Moratorium.**

- (a) As of the effective date of this article, a moratorium shall exist until December 14, 2017, or sooner as provided herein, during which time the city shall not issue any new local business tax receipt to any person or entity for the purpose of engaging in, operating, or managing a business or facility for Medical cannabis activities.
- (b) The moratorium shall expire upon the earlier of the following:
  - (1) On December 14, 2017;
  - (2) The effective date of an ordinance, adopted by the city commission, to address Medical cannabis activities in the City of Fruitland Park; or
  - (3) At such time as the city commissioner receives a report from staff regarding the impact of Medical cannabis activities in the City of Fruitland Park and recommendation relating to a ban or regulation of medical marijuana treatment centers, and votes by majority vote to repeal this moratorium.
- (c) The on-site sale, provision, or dispensing of Medical cannabis, Low-THC and cannabis derivative products in incorporated Fruitland Park is prohibited during the moratorium period, except as set forth in applicable federal, state or local law.

**Section 3. Inclusion in Code.** It is the intent of the Commissioners that the provisions of this Ordinance shall become and be made a part of the City of Fruitland Park Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word "or phrase in order to accomplish such intentions.

**Section 4. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall

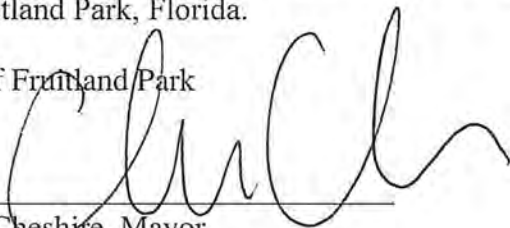
not affect the remaining portions of this Ordinance; and it shall be construed to have been the Commissioner's intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not effect the applicability thereof to any other person, property or circumstances.

**Section 5. Filing with the Department of State.** The city clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Secretary of State for the State of Florida.

**Section 6. Effective Date.** This ordinance shall become effective as provided for by law.

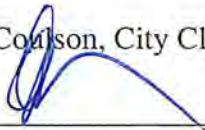
PASSED and ORDAINED this 14<sup>th</sup> day of September, 2017, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park

  
\_\_\_\_\_  
Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk


  
\_\_\_\_\_

Mayor Cheshire	<input checked="" type="checkbox"/>	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor Gunter	<input checked="" type="checkbox"/>	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Lewis	<input checked="" type="checkbox"/>	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Ranize	<input checked="" type="checkbox"/>	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	<input checked="" type="checkbox"/>	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

First Reading August 24, 2017

Second Reading September 14, 2017

Approved as to form and legality:

  
\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

FILED with the Secretary of State the 18<sup>th</sup> day of October, 2017.



## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

October 18, 2017

Ms. Esther B. Coulson  
City Clerk  
City of Fruitland Park  
506 West Berckman Street  
Fruitland Park, Florida 34731

Dear Ms. Coulson:

This will acknowledge receipt of your letter dated October 11, 2017 and a copy of Ordinance No. 2017-022, Marijuana Imposing Second Moratorium, City of Fruitland Park, which was filed in this office on October 18, 2017.

If we can be of further assistance, please call the number listed below.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ernest L. Reddick".

Ernest L. Reddick  
Program Administrator

ELR/lb

## CHAPTER 163

### SIGN REGULATIONS

#### SECTION 163.010: PURPOSE AND INTENT.

The intent of this Chapter is to implement and create a comprehensive and balanced system of sign control that accommodates both the need for a well-maintained, safe, and attractive community, and the need for effective business identification, advertising and communication.

- a) Protect and maintain the visual integrity of roadway corridors within the City by establishing a maximum amount of signage on any one site to reduce visual clutter;
- b) Provide for signage which satisfies the needs of the local business community for visibility, identification and communication;
- c) Foster civic pride and community spirit by maximizing the positive impact of development;

d) Establish procedures for removal of nonconforming signs, enforcement of these regulations, maintenance of existing signs and consideration of variances and appeals.

e) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic.

f) \_\_\_\_\_

#### SECTION 163.020: SIGN PERMITS.

- a) Permit Required.

It shall be unlawful for any person to erect, construct, alter or relocate any sign within the City without having first obtained a permit therefore, except as provided for in this Chapter.

- b) Work to be Performed by Owner, Lessee or Licensed Contractor.

The work necessary to construct, install, erect, illuminate, paint or modify signage within the City shall conform with the following:

- 1) Work which may be performed by a property owner or lessee:
  - A) Painting the face of any freestanding sign or wall sign;
  - B) Installation or attachment of any individual letters, which does not require electrical service or structural modification of the surface or wall to which such letters are being attached; or

C) Construction and erection of any freestanding sign with a height of less than six (6) feet, which is non-illuminated.

- 2) Work which shall be performed by a sign contractor, general contractor, electrician or building contractor licensed with the City to perform such work:
  - A) Construction, installation, erection or electrical connection of any sign which is internally illuminated (signs requiring electrical connections will require the work to be performed by a licensed electrician);
  - B) Construction, installation or erection of any freestanding sign requiring wind load calculations;
  - C) Construction, installation or erection of any sign which is located above a pedestrian walkway or on the front fascia of a canopy over a pedestrian walkway;
  - D) Construction, installation or erection of any projecting sign;
  - E) Construction, installation or erection of any sign not described in Section 163.020(b)(1) above.

c) Application for Permit.

All applications for permits under this Section shall be filed by either a contractor licensed to erect signs in the City, or the owner of the property where the sign is to be located or his authorized agent. Such application shall include the following:

- 1) Name, address, and telephone number of owner(s) of property;
- 2) Name, address, and telephone number of licensed sign company erecting the sign;
- 3) The street address or legal description of the property upon which the proposed sign is to be located;
- 4) Written permission of the owner, his lessee or agent, to erect the proposed sign;
- 5) The height, size, shape, style, materials and location of the proposed sign;
- 6) Two (2) plans, sketches, blueprints or similar presentations drawn to scale, showing all pertinent structural and electrical details, wind pressure **requirements and materials in accordance with the City's adopted Building Code**; and
- 7) A statement verifying the height, size, shape and location of existing signage on the premises.



d) Issuance of Permit.

Upon receipt of an application for a sign permit, the Building Department shall review the plans, specifications and other data relating to such sign, and, if considered necessary, inspect the premises upon which the sign is proposed to be erected. If the proposed sign is in compliance with this Chapter and all other applicable laws and codes of the City, a sign permit shall be issued upon receipt of the permit fee.

e) Permit Fees.

Permit fees under the Land Development Code shall be set by the City Commission.

f) Exemptions.

Exemption from the requirement to obtain a sign permit shall be permitted under the following circumstances:

- 1) The erection, construction, installation of any sign described in Section 163.030(a) of this Chapter.
- 2) The repair, maintenance, or repainting of any existing sign which is deemed conforming or allowed to continue as non-conforming under the provisions of this Chapter; and
- 3) The replacement or any sign panel or face in a structure which is deemed conforming or allowed to continue as non-conforming under provisions of this Chapter.

g) Expiration of Permit.

A sign permit shall expire and become invalid in accordance with the rules set forth in the Building Code for all permits in general.

SECTION 163.030: EXEMPT SIGNS.

The following signs are exempt from the regulations of this Section provided that they do not create a hazard of any kind.

- 1) Identification signs of two (2) square feet or less and having no individual letters, symbols, logo, or designs in excess of eight (8) inches in vertical or horizontal dimension;
- 1) **"No Trespassing" or "No Dumping" signs of two (2) square feet or less;**
- 2) Signs that are necessary to promote health, safety, and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the State of Florida, Florida Department of Transportation, the United States, the County of Lake and the City of Fruitland Park;

- 3) Within parking lots, directional or instructional signs, where vehicle or pedestrian movements are involved on private property, of four (4) square feet or less in sign area. Freestanding signs of this type should be no greater than four (4) feet in height, and not allowed in the right-of-way;
- 4) Legal notices and official instruments when required by law;
- 5) Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the City Commission for a prescribed period of time;
- 6) Holiday lights and seasonal decorations;
- 7) Merchandise displays behind storefront windows;
- 8) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards of two (2) square feet or less;
- 9) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps;
- 10) Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers;
- 11) ~~Works of art that do not constitute advertising~~ Artwork is allowed in all districts and is not intended to be regulated by this Sign Code;
- 12) Signs carried by a person;
- 13) Under canopy signs for commercial uses placed behind the right-of-way line for pedestrian use, perpendicular to the storefront and less than four (4) square feet;
- 14) Credit card or membership signs of two (2) square feet or less, one of each different organization permitted for each street frontage;
- 15) A maximum of two (2) menu boards or price lists for drive thru facilities of no more than twenty-four (24) square feet each. Such signs shall be located adjacent to and oriented toward the drive thru area;
- 16) Real estate and construction signs allowed under Section 163.080 of this Chapter;
- 17) Menus of less than two (2) square feet mounted at the entrances to restaurants;
- 18) Illuminated awnings allowed under Section 163.090 of this Chapter, which do not display copy or signage of any type;

19) Flags of any kind; ~~and~~

~~20) Non-commercial Free expression signs which express an opinion rather than promote or advertise a specific business, group or organization, of up to six (6) square feet in size. The free expression sign may be displaced on each street frontage per parcel of land. The free expression sign may be displayed as a freestanding sign, attached sign, or window sign. If displayed as a freestanding sign, the sign shall not exceed four (4) feet in height. A free expression sign is in addition to any other sign permitted under this Code and is permitted in any zoning district; and~~

~~20)21) Umbrella signs.~~

SECTION 163.040: PROHIBITED SIGNS.

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign described below:

- 1) Signs that violate any Building Code or Electrical Code adopted by the City.
- 2) Off-site signs except as permitted under Section 163.070(e) of this Chapter.
- 3) Traffic or pedestrian hazards: Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination. Specifically prohibited are signs using:
  - A) Words and traffic control symbols so as to interfere with, mislead, or **confuse traffic, such as "stop," "look," "caution," "danger," or "slow."**
  - B) Lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity of color except for time-temperature date signs.
- 4) Banners or signs erected over or across any public street, park or other public way or property except when authorized by the City Commission.
- 5) Signs that incorporate projected images, emit any sound that is intended to attract attention, or involve the use of live animals.
- 6) Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- 7) Signs or sign structures that interfere in any way with free use of any fire escape, and emergency exit; made of combustible materials that are attached to or in close proximity to fire escapes or fire fighting equipment; or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of the City of Fruitland Park Land Development Code or other ordinance of the City.
- 8) Signs that resemble any official sign or marker erected by any governmental agency, or that by reason or position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, color, or illumination that may be reasonable confused with or construed as, or conceal, a traffic-control device.
- 9) Signs, within ten (10) feet of public right-of-way or one hundred (100) feet of traffic control lights, that contain red or green lights that might be confused with traffic control lights.
- 10) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.

- 11) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any public sidewalk or public street, except house numbers and traffic control signs.
- 12) Signs displaying copy that is harmful to minors as defined by the City of Fruitland Park Code.
- 13) **Abandoned signs as defined in Chapter 151, "Definitions and Interpretations."**

14) "A" frame and portable signs except as permitted under Section 163.080 of the City of Fruitland Park Code.

15) Wall wrap or building wrap signs.

16) Snipe signs.

17) Animated signs.

18) Wind signs, except temporary special event signs permitted pursuant to to this Sign Code.

19) Signs in or upon any lake, or other body of water within the limits of the City, other than emergency, warning or safety signs as otherwise allowable under this Sign Bode, or required by State or Federal Law.

20) Any feather or flutter flag.

21) Signs attached to docks or seawalls, other than emergency, warning or safety signs as otherwise allowable under this Sign Code, or required by State or Federal Law.

22) Roof signs.

23) Vehicle sign or signs with a total sign area on any vehicle in excess of ten (10) square feet, where the vehicle is not, "regularly used in the conduct of the business" and

A) Is visible from a street right-of-way within one hundred (100) feet of the vehicle, and

B) Is parked for more than six (6) consecutive hours in any twenty-four (24) hour period within one hundred (100) feet of any street right-of-way.

A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily (i) for advertising, or (ii) for the purpose of advertising. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal hours of business and which is currently licensed, insured and operable; provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on such

vehicle primarily for the purpose of advertising a business establishment or firm or calling attention to the location of a business establishment or firm.

~~14)~~

SECTION 163.050: *NONCONFORMING SIGNS.*

a) Intent.

It is the intent of this Chapter to allow non-conforming signs permitted before the adoption of the Land Development Code to continue until they are phased out, or become hazardous.

b) Continuance of Non-Conformities.

A non-conforming sign use may be continued, subject to the following provisions:

- 1) Nonconforming signs may remain in place for a period of seven (7) years from the adoption of this ordinance so long as they are not a danger or pose a potential for danger to the public.
- 2) All nonconforming signs are to be maintained in a manner in which they do not endanger the public.
- 3) Signs located on property annexed into the City that are nonconforming can remain in place for a period of not more than seven (7) years from the adoption of the annexation ordinance.
- 4) At the adoption of this ordinance the City will inventory all the existing signs to determine the status as either conforming or nonconforming and issue a free sign permit.
- 5) There may be a change of tenancy or ownership of a nonconforming sign without the loss of nonconforming status, if the property is not abandoned as defined in this Chapter of the City of Fruitland Park Land Development Code.
- 6) Nonconforming sign shall not be enlarged or increased in any way from its lawful size at the time of the adoption of the Land Development Code.

c) Repairs, Maintenance and Improvements

Normal repairs, maintenance and improvements may be made, however, the cost of such improvements made during any two (2) year period shall not exceed twenty-five (25) percent of the replacement cost of the sign.

d) Reconstruction after Catastrophe.

If any nonconforming sign is damaged to such an extent that the cost of repair and reconstruction will exceed fifty (50) percent of the replacement cost at the time of damage, it shall not be used or reconstructed except in full conformity with the provisions of the Land Development Code.

e) Casual, Temporary or Illegal Use.

The casual, temporary or illegal use of any sign shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such use.

SECTION 163.060: CONSTRUCTION AND MAINTENANCE STANDARDS.

a) All permitted signs shall be constructed and maintained in accordance with the following standards:

1) Code Compliance.

A) Sign Area and Use.

All new freestanding signs shall be monument signs. One (1) freestanding sign per parcel for street frontage shall be permitted of the maximum area as follows:

i) The maximum sign area for properties zoned Industrial (I) shall not exceed one hundred fifty (150) square feet. The signage can be used as either wall or free standing monument sign or a combination of both.

ii) The maximum sign area for properties zoned General Commercial (C-2) shall not exceed one hundred fifty (150) square feet. The signage can be used as either wall or free standing monument sign or a combination of both.

iii) The maximum sign area for properties zoned Neighborhood Commercial (C-1) shall not exceed one hundred (100) square feet. The signage can be used as either wall or free standing monument sign or a combination of both.

iv) The maximum sign area for properties zoned Residential Professional (RP) shall not exceed twenty-five (25) square feet. The signage can be used as either wall or free standing monument sign or a combination of both.

B) Height and Setback.

i) Freestanding monument signs shall not exceed ~~thirty-five (35)~~ ten (10) feet in height along CR 466A, US Highway 27/441, CR 25A and CR 468 and shall not exceed six (6) feet

~~elsewhere, except for the Residential Professional (RP) district in which case the sign shall not exceed twenty five (25) feet.~~

- ii) Freestanding signs shall be setback ~~ten five (105)~~ feet from the right-of-way. The sign must not be a traffic visibility hazard as determined by the city's traffic engineer.

C) *Multiple Frontage Properties.*

- i) For corner lots, an additional sign shall be allowed for the secondary frontage. The sign area allowed shall be based on the chart as shown below:

ZONING CLASSIFICATION	PERCENT OF PRIMARY FRONTAGE SIGN AREA
Industrial (I)	100%
General Commercial (C-2)	75%
Neighborhood Commercial (C-1)	50%
Residential Professional (RP)	25%

- ii) Sign area may not be transferred between frontages.

D) Landscaping.

Permanent freestanding monument signs requiring a sign permit must be landscaped at their base. The landscaped area shall have a minimum area of two (2) square feet for each linear foot of sign face width and shall otherwise comply with the landscaping requirements of Chapter 164 of the Land Development Regulations.

E) Design Requirements.

All permanent signs shall be compatible with the building(s) to which they relate and with the surrounding neighborhood. All signs except temporary signs shall be subject to the design requirements below:

- i. The materials, finishes and colors of the freestanding monument sign base shall match the architectural design of the building. In lieu of a monument base, any combination of landscaping of sufficient density and maturity at the time of planting may be used to achieve the same opacity as would have been achieved with the monument base.
- ii. All panels in any freestanding signs, including those added to existing sign structures, shall be constructed of the same materials and illuminated by the same method. Panels added to existing signs shall match the existing panels with respect to their color, materials, and illumination.



~~2) Wall Signs for Office, Commercial and Industrial Uses.~~

~~A) Sign Area.~~

- ~~i) Maximum sign area for properties zoned Industrial (I) shall not exceed two hundred (200) square feet.~~
- ~~ii) Maximum sign area for properties zoned General Commercial (C-2) shall not exceed one hundred fifty (150) square feet.~~
- ~~iii) Maximum sign area for properties zoned Neighborhood Commercial (C-1) shall not exceed one hundred (100) square feet.~~
- ~~iv) Maximum sign area for properties zoned Residential Professional (RP) shall not exceed twenty-five (25) square feet.~~

b) Shopping Centers/Multi-Tenant Complexes.

Shopping centers/multi-tenant complexes may be permitted one (1) freestanding sign as permitted under Section 163.070(a)(1) however, in no case shall the sign area exceed two hundred (200) square feet and individual tenant wall signs as follows:

1) Wall Signs for Individual Tenants.

Maximum sign area shall be determined by multiplying the number of tenants by the maximum sign area permitted in the zoning district (i.e. property is zoned C-1 and there are 4 tenants,  $100 \times 4 = 400$  square feet of wall sign allowed).

c) Houses of Worship.

Houses of worship may be permitted signage under this Section.

1) Freestanding Monument Signs.

A) Sign Area, Height and Setback.

- ~~ii) i) The maximum area shall be fifty (50) square feet. The signage can be used as either wall or free standing monument sign or a combination of both.~~
- ~~iv) ii) The maximum height shall be fifteen-ten (1510) feet along CR 466A, US Hwy. 27/441, CR 468, CR 25A and shall not exceed six (6) feet elsewhere.~~
- iii) The minimum setback shall be ten-five (105) feet from the right-of-way and ten (10) feet from side lot lines. The sign

must not be a traffic visibility hazard as determined by the city's traffic engineer.

B) *Spacing.*

- i) Freestanding monument sign structures on the same ownership parcel shall be a minimum of three hundred (300) feet apart. No more than two (2) signs shall be permitted along any one right-of-way.

~~2) Wall Signs.~~

~~A) Sign Area and Height.~~

- ~~i) Maximum area shall be thirty-two (32) square feet.~~
- ~~ii) Maximum sign vertical dimension shall not exceed twenty-five (25) percent of the building height.~~

2) Landscaping.

Permanent freestanding monument signs requiring a sign permit must be landscaped at their base. The landscaped area shall have a minimum area of two (2) square feet for each linear foot of sign face width and shall otherwise comply with the landscaping requirements of Chapter 164 of the Land Development Regulations.

d) Multi-Family Development.

1) Freestanding Monument Signs.

A) *Sign Area, Height and Setback.*

- i) One (1) freestanding monument sign for each street frontage shall be permitted as follows:
  - <sup>a</sup> Uses of twelve (12) units or less—sixteen (16) square feet.
  - <sup>b</sup> Uses of thirteen (13) units or more—thirty-two (32) square feet.
  - <sup>c</sup> The sign may be a single sign with two (2) faces of equal size or two (2) single face structures of equal size located on each side of the entrance.
  - <sup>d</sup> Maximum height shall be ~~fifteen~~ ten (150) feet along CR 466A, CR 25A, CR 468 and US Highway 27/441. All other areas shall be six (6) feet.
  - <sup>e</sup> Minimum setback from side lot lines shall be ten (10) feet.

<sup>f</sup> Minimum setback from road right-of-way shall be five (5) feet.

2) Wall Signs.

One (1) wall sign may be utilized in lieu of a freestanding sign of a maximum size as specified in Section 163.070(d)(1) above.

e) Off-Site ~~Advertising~~ Signs.

Off-site ~~advertising~~ signs shall be permitted in the following zoning districts if located adjacent to U.S. Hwy 441/27: Neighborhood Commercial (C-1), General Commercial (C-2) and Industrial (I).

1) Sign Area.

The maximum sign area shall not exceed three hundred seventy-eight (378) square feet.

2) Height and Setback.

A) The maximum height shall not exceed forty (40) feet.

B) The minimum setback from the right-of-way shall be fifteen (15) feet.

C) The minimum setback from side and rear property lines shall be ten (10) feet.

D) The minimum setback from any intersection shall be one hundred (100) feet.

E) The minimum setback from any residential zoning district shall be one hundred (100) feet.

3) Spacing.

No sign shall be located closer than one thousand five hundred (1,500) feet to another sign which is located on the same side of the street and facing the same direction. (Revised Ord # 2000-004, 03/23/2000)

f) Subdivision Signs.

Permanent subdivision signs may be permitted by the Planning and Zoning Board and the City Commission as part of the subdivision review process, or upon request of property owners after development has occurred. In determining signage, these bodies shall consider size of the sign, materials, location, provision for maintenance, size of the subdivision, functional classification of the adjoining roadway(s) and surrounding land use.

SECTION 163.080: TEMPORARY SIGNS.

a) Temporary Freestanding and Portable Signs.

1) Temporary freestanding and portable signs shall be permitted for the following uses:

A) Any new or relocated use in a non-residential zone whose allowable freestanding sign has not yet been erected may utilize one (1) conforming temporary freestanding or portable sign for a period of not more than sixty (60) days or until installation of the allowable freestanding sign, whichever shall occur first.

B) A new use in a non-residential zone, including those with a permanent freestanding sign, may utilize one (1) temporary freestanding sign or portable sign one (1) time for a maximum of thirty (30) consecutive days in conjunction with a grand opening.

Such signage may only be utilized within the first three (3) months of business for the use.

1) Temporary freestanding signs shall conform to all City codes and criteria, including, but not limited to, those cited or set forth herein below:

A) Structure tie-down pursuant to wind loads in the Building Code.

B) No external electrical illumination is allowed.

C) Maximum sign area shall be thirty-two (32) square feet, maximum height shall be eight (8) feet.

D) No more than one (1) such sign shall be permitted for each lot or parcel.

E) Copy of signs shall be maintained in a legible condition.

3) A sign permit shall be obtained for use of a temporary freestanding or portable sign and shall include the following:

A) A diagram indicating the manner in which the sign will be anchored to meet the specifications outlined above.

B) A plot plan showing that the proposed location is:

i) In compliance with the visual clearance requirements of the Land Development Code.

ii) Not in a required parking lot.

b) Banners/Temporary Exterior Wall Signs.

Banners or other temporary wall signs shall be permitted under the following conditions:

- 1) In addition to signage permitted under Subsection 163.080(a)(1)(B) of this Chapter above for Grand Opening Celebrations one time only per business entity.
- 2) For sidewalk sales and other outdoor sales events except yard/garage sales.
- 3) Maximum sign area shall be thirty-two (32) square feet.
- 4) Banner signs and other temporary wall signs permitted by this Section shall require the approval of a sign permit application, but shall be exempt from permit fees.

c) Real Estate Signs.

Real Estate signs, as defined in the Land Development Code, shall be permitted under the following conditions:

- 1) One (1) non-illuminated sign shall be allowed for each street frontage of the subject property only.
- 2) Properties with more than five hundred (500) feet of street frontage may have more than one (1) sign as provided herein. The number of signs shall be based on the following for each street frontage:
  - A) Less than 500 feet – one (1) sign.
  - B) 500 to 750 feet – two (2) signs.
  - C) 751 to 1000 feet – three (3) signs.
  - D) More than 1000 feet – four (4) signs maximum.

d) Construction Real Estate Signs.

Construction Real Estate Signs, as defined in the Land Development Code, shall be permitted under the following conditions:

- 1) Maximum sign area shall be thirty-two (32) square feet.
- 2) Construction-Real Estate signs shall be removed within thirty (30) days after construction or build-out is completed.
- 3) Subcontractor and additional signs of two (2) square feet or less shall be permitted in addition to total sign area and shall be affixed to, or immediately adjacent to, the main sign structure.

e) Political Campaign Signs.

Candidates for political office may place appropriate campaign signs within the public right-of-way of city streets unless the abutting property owner objects to the placement of such signs. Campaign signs shall not have a surface area larger than **thirty-two (32) square feet and must not obstruct a vehicle driver's**

view or otherwise create a hazardous condition. Signs must be removed within forty-eight (48) hours of each election. A \$100.00 cash bond must be presented to the City Clerk prior to, receiving permission to install said signs. **The cash bond is to be forfeited in the event a candidate's signs are not removed within the specified timeframe.**

f) Miscellaneous Temporary Signs.

Temporary signs for public or private non-profit special events, or special events not related to the primary use of the property shall be permitted for a period covering the duration of the event and advance publicity not to exceed a total period of two (2) weeks. One (1) non-illuminated sign not to exceed thirty-two (32) square feet in area and eight (8) feet in height shall be permitted for each street frontage.

g) Temporary Window Signs.

Non-residential properties may utilize temporary window signs displayed on the inside of the window for a period not to exceed 90 days. The temporary window sign(s) shall not exceed an aggregate of twenty-four (24) square feet in sign area, and shall not cover more than twenty-five (25) percent of any window surface, whichever is less.

h) Temporary Commercial Mascots and Commercial Message signs.

Temporary Commercial Mascots and Commercial Message signs shall be allowed for special events (carnivals, craft fairs, festivals, parades, reunions, sidewalk sales, weddings, etc.), grand openings, and tent sales (auto, boat, RV, etc.) for up to one (1) week and not to exceed three (3) times per year.

SECTION 163.090: MISCELLANEOUS SIGNS.

a) Illuminated Awnings.

Use of illuminated awnings shall be regulated under the following:

- 1) The use of copy on an illuminated awning shall be regulated by the applicable provisions of this Chapter for wall signs, including the requirement to obtain a sign permit.
- 2) Maximum height, measured on a vertical plane from the point of attachment at the top of the awning to a point horizontal to the lowest edge of fabric, shall not exceed five (5) feet.

b) Neon.

Use of neon signs and decorative neon for increased visibility shall be regulated under the following:

- 1) Neon wall signs shall be regulated by the applicable provisions of the Land Development Code.

- 2) Decorative neon on buildings shall be counted as a wall sign, measured two-dimensionally by multiplying the length of neon tubing by six (6) inches, and included in the total permitted wall sign area.

c) Directory Signs.

Permanent directory signage for properties in unified development with arterial road frontage and designed without direct access to the arterial road may be permitted by the City Manager upon request of the property owner(s).

- 1) One (1) directory sign may be located at the intersection of the arterial roadway and the side street by which primary access is achieved. Such sign shall be located outside of the road right-of-way and located in such a manner so it does not obstruct vision clearance.
- 2) The applicant for directory signage shall provide documents which verify that the appropriate easements and provisions for maintenance have been secured.
- 3) In determining appropriateness and permitted size, the City Manager shall consider:
  - A) The number of properties for which the request for signage has been made;
  - B) The distance of the properties from the intersection with the arterial road;
  - C) The functional classification of the cross street; and
  - D) Surrounding land uses.

SECTION 163.100: ENFORCEMENT.

a) Removal of Prohibited Signs.

- 1) Prohibited signs on public property or rights-of-way shall be removed immediately, and may be removed by the City or its agent without notice.
- 2) Temporary signs and signs attached to other signs shall be removed within forty-eight (48) hours after receipt of written notification of the Code Enforcement Officer or Building Official.
- 3) Abandoned signs shall be removed by the owner, agent or person in charge of the premises within thirty (30) days after receipt of written notification by the Code Enforcement Officer or Building Official. If the sign is not removed in a timely manner, the Code Enforcement Officer may refer the violation to the Municipal Code Enforcement Board.

b) Removal of Unsafe Signs.

Should any sign become unsecured or in danger of falling, in disrepair or deteriorated, or otherwise unsafe in the opinion of the Building Official, the owner thereof, or person or firm maintaining it, shall, upon receipt of written notification from the Building Official immediately, in the case of imminent danger, or within ten (10) days in other instances, secure the sign or cause it to be placed in good repair in a manner approved by the Building Official, or said sign shall be removed by the owner thereof. If such order is not complied with, the City may remove the sign at the expense of the owner and place a lien for the cost thereof upon the property on which the sign was located together with any other cost incurred by the City by filing such lien. The lien may be foreclosed in the same manner provided by law for the foreclosure of mortgages and the City shall have the right to receive all costs of court including reasonable attorney fees.

c) Removal of Illegally Erected Signs.

Where this Chapter requires work to be done by a licensed contractor and such work is not performed by a licensed contractor, the owner or lessee of the property where such illegally erected sign is located shall either:

- 1) Have the sign immediately removed; or
- 2) Have a licensed contractor secure a permit for such sign. City inspections of the sign shall be performed. If neither of the above actions is completed within ten (10) days after notification by the Building Official or Code Enforcement Officer the violation may be referred to the Code Enforcement Board.

d) Violation; Penalties; Continuing Violations and Penalty Therefor.

Violations of the Land Development Code, including those Sections authorizing City removal of signs or other penalties, may be referred to the Code Enforcement Board as prescribed by the Code of Ordinances.

SECTION 163.110: VARIANCES AND APPEALS.

a) Technical Appeals.

Appeals from technical decisions of the City Manager or any other official empowered to rule on sign issues shall be processed according to the procedures outlined in Chapter 152 of the Land Development Code.

b) Variances.

Variances from the requirements of this Chapter shall be processed according to the provisions of Chapter 168 of the Land Development Code.



### SIGN CODE COMPARISON

	Proposed	Eustis	Tavares	Leesburg	Clermont	Lake County	Lady Lake	Mt. Dora
<b>Sign Type</b>	Proposed monument – No minimum width of base	Monument – Base a minimum of 2/3 the width of the sign	Monument – Base a minimum of 1/2 the width of the sign	Monument – Base a minimum of 1/2 the width of the sign	Monument – Base a minimum of 1/2 the width of the sign	Monument – Base a minimum of 1/2 the width of the sign	Free standing	Monument – Base equal to width of sign
<b>Max. Height</b>	US 27/441, CR 466A. CAR 25A, CR 468 – 10' 6' - elsewhere	15'	12' Shopping Centers – 15'	4 lane – 12' 2 lane – 8'	Arterial – 10' Collector – 8' Local – 6' Shopping Center – 15'	4 lane – 12' 2 lane – 8'	8'	6'
<b>Sign Area - Monument</b>	150 sq. ft. (Industrial and C-2), 100 sq. ft. (C-1) – The signage may be used either as monument or wall sign or a combination of both	< 250,000 sq. ft. bldg – 50 sq. ft. >250,000 sq. ft. bldg – 64 sq. ft.	80 sq. ft.	Arterial – 60 sq. ft. Collector – 48 sq. ft. Local – 32 sq. ft.	Arterial – 60 sq. ft. Collector – 48 sq. ft. Local – 32 sq. ft.	Arterial – 60 sq. ft. Collector – 48 sq. ft. Local – 32 sq. ft.	80 sq. ft.	1 sq. ft. per lineal ft. of bldg. frontage, max 100 sq. ft. * - Total sign area can be used for monument sign or wall sign or split between both types of sign
<b>Sign Area – Wall Sign</b>	See above	2 – 36 sq. ft. signs  1 additional sign of 36 sq. ft. if corner	1.5 sq. ft. per every lineal foot of bldg. frontage, not to exceed 150'	1 sq. ft. of copy area for each lineal foot of frontage, up to 150 sq. ft.	15% of wall area, not to exceed 200 sq. ft.  1 - 32 sq. ft. marquee sign  1 – 4 sq. ft. projecting sign	1 sq. ft. of copy area for each lineal foot of frontage	2 sq. ft. of copy area for each lineal foot of frontage, up to 200 sq. ft.	See above

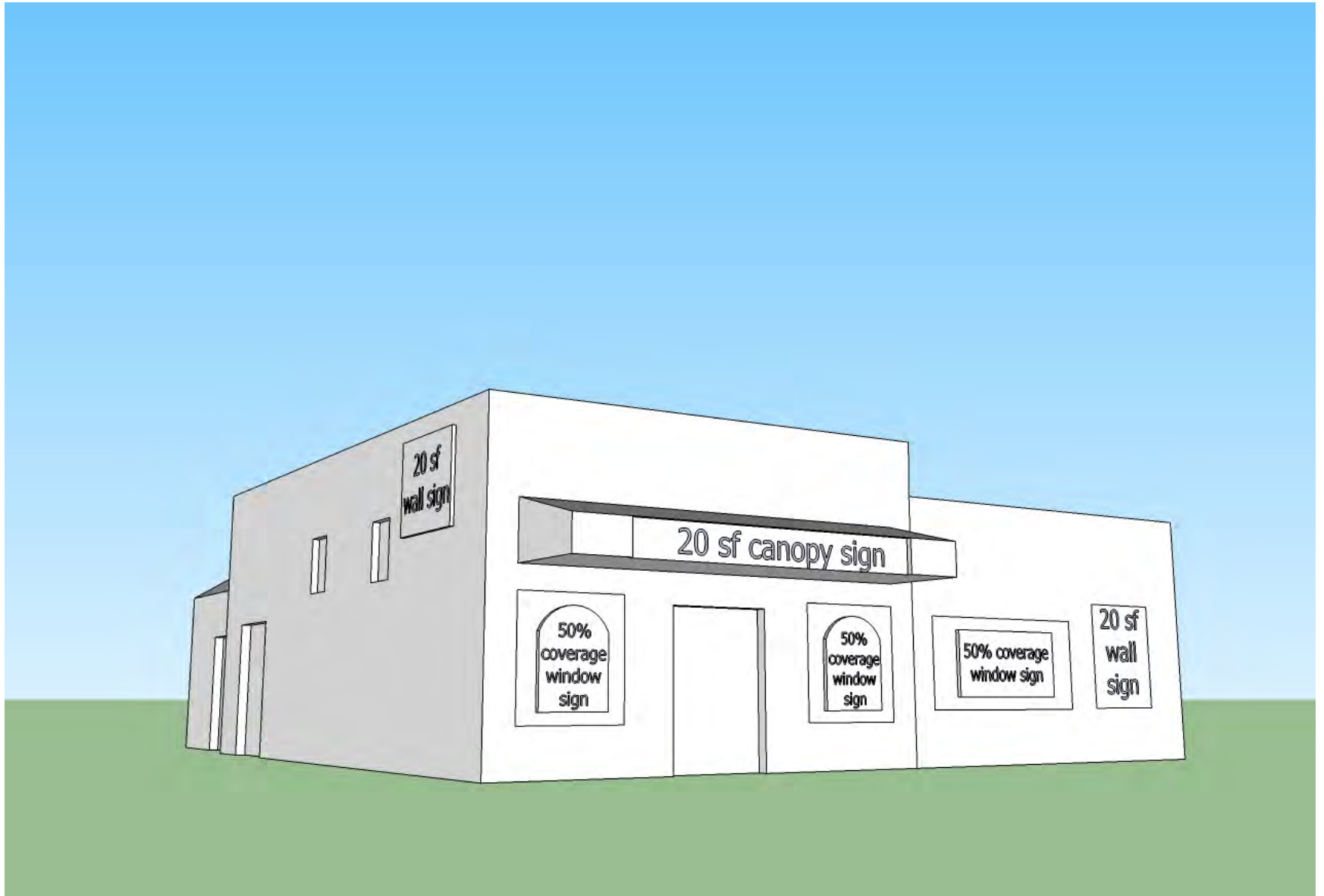
	<b>Fruitland Park</b>	<b>Eustis</b>	<b>Tavares</b>	<b>Leesburg</b>	<b>Clermont</b>	<b>Lake County</b>	<b>Lady Lake</b>	<b>Mt. Dora</b>
<b>Monument Sign Setbacks</b>	Existing – 10’ from R/W  Proposed – 5’ from R/W	5’ from R/W Side/Rear – 5’	5’ from R/W Side & Rear – 10’	5’ from R/W Side/Rear – 10’	50’ from intersecting street r/w lines on US 27 & SR 50 30’ from all other streets	5’ from R/W Side/Rear – 10’ Residentially zoned – 20’	5’ from R/W	5’ from R/W 10’ from R/W (C-3)

# City of Fruitland Park

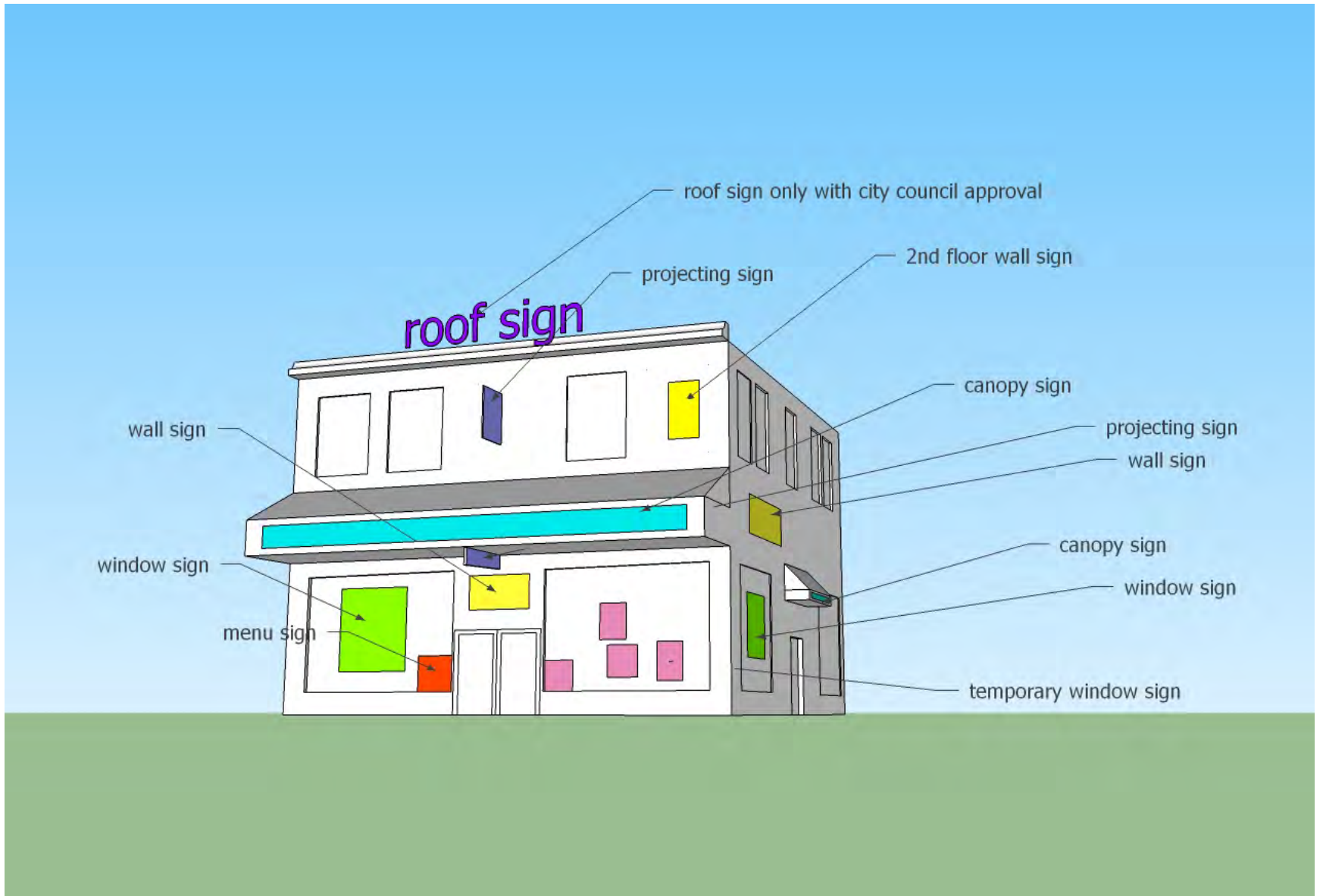
## Sign Ordinance

Presented by





Potential Options



Sample of Types



Wayfinding Sign Example



Canopy and Wall Sign Example



Projected Sign, Wall Sign, Window Sign Example





Projection Sign Example

