



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

**May 22, 2018**

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

**6:00 p.m.**

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. LAND DEVELOPMENT REGULATIONS**
  - **Chapter 154, Zoning District Regulations and the city's vision on duplexes (PUDs and concept plans);**
  - **Chapter 157, Subdivisions and Plats (sidewalks, street lights, curbs, site plans), and**
  - **Chapter 164, Landscape Requirements and Tree Protection (buffers and uses)**
- 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 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.

<b><u>ZONING DISTRICTS (OLD)</u></b>	<b><u>ZONING DISTRICTS (NEW)</u></b>
<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-~~12~~ "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-~~12~~ 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.

ii) 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)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.

~~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 geater-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~~x) 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.



xl) Xerographic and Offset Printing.

xli) 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) I "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, which shall not be a bubble plan:

- 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 including perimeter buffers and setbacks from perimeter boundary.
- 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.





<b>SCHEDULE OF DIMENSIONAL REQUIREMENTS</b>								
<b>DISTRICT</b>	<b>MIN.LIV. AREA/D.U. IN SQ.FT.</b>	<b>MIN/LOT AREA/D.U.</b>		<b>MIN. LOT WIDTH (FT.)</b>		<b>MAX BLDG. COV.</b>	<b>MIN OPEN SPACE*<sup>1</sup></b>	<b>MAX HEIGHT (FT.)</b>
		<i>WITH SEPTIC TANK</i>	<i>WITH CENTRAL SEWER</i>	<i>WITH SEPTIC TANK</i>	<i>WITH CENTRAL SEWER</i>			
R- <del>4</del> <sub>2</sub>	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> <u>8, R-10, R-15</u> SF	1000	10,000 S.F.	8,000 S.F.	80 FT.	65 FT.	30%	25%	35 FT.
R- <del>3</del> <u>8, R-10, R-15</u> DFP	600 EACH	10,000 S.F.	6,000 S.F.	80 FT.	60 FT.	30%	25%	35 FT.
R- <del>38, R-10, R-15</del> TRIPLEX	600 EACH	15,000	9,000	100 FT.	90 FT.	30%	25%	35 FT.
R- <del>38, R-10, R-15</del> 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			
MINIMUM BUILDING SETBACK IN FEET (FT)			
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
<p>* Each additional story will add 5 feet to the rear setback.</p> <p>** 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.</p> <p>*** A zero lot line is allowed on one side setback only with a minimum setback of ten (10) feet on the opposite side.</p>			

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 consisting of five (5) canopy trees, four (4) understory trees and thirty (30) shrubs per 100' or portion thereof is required from the right-of-way. See Chapter 164 for planting standards. 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.

## CHAPTER 157

### SUBDIVISIONS AND PLATS

#### **SECTION 157.010: TITLE**

This Chapter, the terms and provisions contained herein, shall be known as the "Subdivision and Platting Ordinance" of the City of Fruitland Park, Florida.

#### **SECTION 157.020: APPLICABILITY**

The requirements set forth in this Chapter shall be applicable to all portions of the City of Fruitland Park.

#### **SECTION 157.030: PURPOSE AND INTENT**

The public health, safety and general welfare of the citizens of Fruitland Park require the harmonious and orderly development of land within the incorporated area of the City. It is the intent of this Chapter for each new subdivision: to conform with minimum standards of subdivision design, established by this Chapter, which will result in the development of safe, stable communities and the prevention of unhealthy living environments; to have necessary improvements to avoid such improvement being a burden upon the taxpayers of the community; to have efficient, adequate utilities and services; to have safe, adequate and convenient patterns for the circulation of vehicular and pedestrian traffic; to provide adequate protective flood control and drainage; to have designs and improvements that control pollution and erosion, safeguarding the natural resources of the city; to provide adequate open space, light, solar rights, air, privacy; and recreational area, and to prevent overcrowding of the land and undue congestion of the population; to provide safety from fire, flood, natural disasters and other dangers; to provide reasonable, fair, and uniform application of standards of design and procedures for the subdivision and platting of land; to ensure proper legal descriptions and monumenting of subdivided land; to preserve the natural beauty and topography of the city; and to provide for safe and sanitary sewage disposal, adequate potable water supplies and the protection of groundwater system.

#### **SECTION 157.040: DEFINITIONS**

See Chapter 151 of the Land Development Code.

#### **SECTION 157.050: COMPLIANCE REQUIRED; EXEMPTIONS**

a) Unlawful Activity.

It shall be unlawful and subject to the penalties provided herein for any person to:

- 1) Create a subdivision without first complying with the provisions of this chapter and filing a plat approved by the City Commission unless exempt under Section 157.050(b).



- 2) Divide property by any means for the purpose of sale or transfer of title unless each of the resulting parcels has at least the minimum area and width requirements prescribed by the zoning regulations and land use plan of Fruitland Park as applied to the lots created, unless exempt under Section 157.050(b) of the Land Development Code.
- 3) Commence the construction of any improvements required under this Chapter without first having obtained a land development permit from the City of Fruitland Park or fail to construct or maintain improvements in accordance with an approved land development permit, plat approval or requirements of this Chapter.
- 4) Create a public or private right-of-way (street) without platting in accordance with the applicable provisions of this Chapter.
- 5) Divide any lot or tract in a recorded or unrecorded subdivision located within the city limits that was approved by the appropriate local government of the City Commission of the City of Fruitland Park in a manner which results in a construction site smaller than or inconsistent with the surrounding lots in the subdivision unless approved by the City Commission.
  - A) Any request to divide a lot or tract in such a manner shall be reviewed and considered as follows:
    - i) The Technical Review Committee (TRC) shall review the request and make a recommendation to the Planning and Zoning Board.
    - ii) The Planning and Zoning Board at a public hearing shall review the request and make a recommendation to the City Commission to approve, approve with conditions, or deny the request.
  - A) Written notice of the public hearing shall be mailed certified to each property owner of property in the subdivision at least fifteen (15) days in advance of the hearing.
  - C) Prior to approval of a lot split, the TRC shall determine that:
    - i) No substantial negative neighborhood impacts are anticipated as a result of the split or subsequent similar neighborhood lot splits;
    - ii) The resulting lots conform to applicable city zoning requirements and state regulations;
    - iii) The resulting lots are buildable under current regulations;
    - iv) No substantial adverse impacts on existing infrastructure are anticipated, as the result of the split or subsequent similar neighborhood lot splits, via the resulting increase in density or intensity of use;

- v) The impacts of the split or potential splits will not degrade adopted levels of service to unacceptable levels, pursuant to the provisions of Chapter 153, Concurrency Management;
- vi) The applicant certifies that he knows of no recorded deed restrictions or covenants which would prohibit the division or splitting of the lots.

D) The final approval shall be made by the City Commission.

b) Exemptions.

The following activities shall be exempt from the provisions of this Chapter, unless otherwise noted:

1) Creation of Equal or Larger Building Sites from Lots of Record.

- A) The combination or recombination of all or a portion of previously created parcels of record where the newly created or residual parcels comply with all applicable zoning district dimensional criteria, or where applicable, the regulations governing nonconformities.
- B) The combination or recombination of all or a portion of previously platted parcels of record are exempt where none of the newly created or residual parcels contain less area, width or depth than the smallest of the original parcels of record being combined and no streets of any kind or public easements are created, changed or extinguished.

2) Boundary Settlements. Any conveyance between adjoining landowners if:

- A) The purpose of the conveyance is to adjust or settle the common boundary line between adjoining landowners;
- B) The deed of conveyance or other legal instrument states such purpose and is recorded in the official records of Lake County; and
- C) The resulting parcel(s) conform to the applicable zoning district dimensional criteria.

1) Conveyance to Government. Any division of land for the purpose of conveying land to any federal, state or local government entity or agency or public utility, provided such conveyance is accepted by the grantee by an instrument recorded in the public records of Lake County.

2) Minor Subdivisions. A minor subdivision shall be exempt from the review and approval of a plat, however development plans meeting the requirements of the Land Development Code shall be approved as outlined in Section 157.050(a)(5) of the Land Development Code. A minor subdivision is defined as meeting all of the following criteria:

- A) An overall tract in single ownership is divided into no more than five (5) lots.
- B) No new streets are proposed or required.
- C) No dedication of right-of-way, drainage areas, conservation areas or other publicly maintained property is proposed or required.
- D) All proposed lots meet or exceed the dimensional requirements of the Land Development Code, and required easements for utility, drainage, conservation, or other purposes are delineated for transfer to the City as part of the development order.
- E) The proposed division is not part of an overall tract previously approved as a minor subdivision.

**SECTION 157.060: PROCEDURE AND REQUIREMENTS FOR SUBMITTING AND PROCESSING SUBDIVISION APPLICATIONS**

a) Procedure.

All plans for new subdivisions and road rights-of-way must be submitted and processed through the following procedures:

- 1) Pre-Application conference shall be scheduled between applicant and the Technical Review Committee (see Section 157.060(c))
- 2) Concurrency Management (See Chapter 153)
- 3) Submission and approval of a preliminary plan, (See Section 157.060(d))
- 4) Application for and issuance of a land development permit (See Section 157.060(d)(11))
- 5) Submission, approval and recording of final plat (See Section 157.060(d)(20))
- 6) Issuance of certificate of completion (See Section 157.060(d)(19))

b) Validity of a Subdivision not Meeting the Requirements of this Chapter.

No plat of any subdivision shall have any validity until it has been approved in the manner prescribed by this Chapter. In the event an unapproved plat is recorded, it shall be considered invalid. No person shall transfer or sell by reference to, exhibition of or by the use of a plan or plat of a subdivision before such plan or plat has final plat approval and is officially recorded according to the terms of this Chapter. The description of any lot by metes and bounds shall not exempt the transaction from the provisions of this Chapter if the transaction would be subject hereto otherwise. The building official shall not issue any permits for new construction on a lot in any subdivision not meeting

the requirements of this Chapter unless the subdivision is vested pursuant to Chapter 153 or the lot is a legally created "lot of record."

- 1) The City shall not make any public improvements and shall have no responsibility for the maintenance of streets, drainage facilities or other facilities in subdivisions whose dedications have not been accepted by the City under the terms of this Chapter.
- 2) No changes, erasures, modifications or revisions shall be made on any final plat after approval and signature thereof unless said plat is first resubmitted and reapproved under the provisions of this Chapter.
- 3) Plats shall not contain any reference to any possible reversion of any interest in real property that has been the subject of public or private dedication on a plat.

c) Pre-Application Conference.

It is required that a pre-application conference be held with the Technical Review Committee by the developer or the developer's representatives, in order to verify the steps necessary for application and review and discuss potential issues regarding the proposed subdivision. Comments made during the pre-application conference are totally non-binding on the formal review of the preliminary plat.

- 1) Scheduling. Arrangements for the pre-application conference are to be made through the Building Department.
- 2) Items Required. The applicant shall submit seven (7) copies of the preliminary sketch plans of the proposed subdivision. A general description of the proposed subdivision must be noted including the number of lots to be created, the approximate size and width of lots, approximate building size, type and use, proposed phases of development, existing zoning and comprehensive land use classification of the project site and adjacent sites.

Approximate building size, type and use, proposed phases of development, existing zoning and comprehensive land use classification of the subject site and adjacent sites.

d) Preliminary Plat Application and Review.

Application for preliminary plat approval shall be made to the Building Department utilizing the form provided by the Department for that purpose, and accompanied by the appropriate review fee. Initial application shall be accompanied by seven (7) copies of the proposed plan. Plans shall be prepared according to the standards of the Land Development Code.

Owners and/or developers submitting applications for preliminary plat approval to the City following the effective date of this Ordinance (September 13, 2007) shall be required to provide adequate design that creates interconnectivity between adjacent

subdivisions and undeveloped parcels which will promote vehicular and pedestrian connection to the greatest extent possible.

1) Review of application materials.

Within two (2) working days of the receipt of an application, the Department shall determine whether the submittal is complete. Incomplete submittals shall be returned to the applicant with the deficiencies noted in writing. Re-submittal of a rejected plan shall be accomplished within ninety (90) days or it shall be considered as a new application.

2) Initiation of development review.

When an application is determined to be complete, it shall be scheduled for the next Technical Review Committee (TRC) meeting, but no earlier than two (2) weeks from the date that the application was determined to be complete.

3) Preliminary Plan.

The following information shall be shown on or enclosed with the plans submitted for approval. The subdivision preliminary plan itself shall be drawn at a scale of no smaller than one (1) inch equal to one hundred (100) feet.

- A) Subdivision name, date, north arrow, and the property's legal description, boundary, boundary dimensions, and area in acres.
- B) Name and address of owner, surveyor, engineer, and any other professional consultants involved with the generation of the plan information. If the property is owned by a corporation or company, the name and address of its president and secretary, and state of incorporation shall be given.
- C) A vicinity map at a scale of one (1) inch equal to four hundred (400) feet showing the zoning of the area and the relationship of the proposed subdivision to the surrounding development.
- C) Proposed streets, common areas, drainage areas, conservation areas, lot lines and their dimensions. Proposed street names and lot numbers.
- D) Acreage in lots, drainage areas, common areas and other uses; and the minimum lot size, average lot size and total number of lots.
- E) Existing topography using one (1) foot contours based upon National Geodetic Vertical datum, and delineation of Flood Insurance Rate Map flood zones.
- F) Environmental assessment showing all wetlands, delineation of wooded areas and vegetative communities and tree survey showing all specimen trees. See Chapter 165.

- G) All existing buildings, utilities, roads, easements or other improvements on the property, and all roads and lot lines within one hundred fifty (150) feet of the property boundary.
  - H) A soils report delineating the soils existing on the site to be developed.
  - I) A list of all jurisdictional agency permits required for the development of the subdivision.
  - J) Proposed stormwater management plan and drainage control facilities and general grading plan.
  - K) Utility sources, distribution and collection lines, if available, (including but not limited to water, sewer, electricity, cable television and telephone).
  - L) Proposed locations of streetlights, sidewalks and bike paths, if any.
  - M) Maximum building heights, anticipated phasing plan and gross density.
  - N) Location of all signs per Chapter 163.
  - O) Any other information deemed pertinent by the Technical Review Committee, Planning and Zoning Board or City Commission.
- 4) Review Process.

A) *The Technical Review Committee (TRC).*

All applications shall be reviewed by the TRC, 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. The TRC staff shall make staff recommendations to the Planning and Zoning Board.

B) *Planning and Zoning Board Approval.*

The Planning and Zoning Board shall consider the preliminary plan at a regularly scheduled meeting and determine if they meet the requirements of the Land Development Code. The applicant or applicant's authorized agent shall be present at the meeting for consideration by the Planning and Zoning Board. Upon consideration of the comments of the TRC staff and public, the Board shall make one of the following recommendations to the City Commission:

- i) Table the consideration of the project until their next regularly scheduled meeting to allow for the resolution of any outstanding issues.

- ii) Disapprove the preliminary plan.
- iii) Approve the preliminary plan.
- iv) Approve the preliminary plan with conditions.

C) *City Commission Approval.*

The City Commission shall consider the preliminary plan at a regularly scheduled meeting and determine if they meet the requirements of this code. The applicant or applicant's authorized agent shall be present at the meeting for consideration by the City Commission. Upon consideration of the comments of the TRC staff, public and recommendations of the Planning and Zoning Board, the Commission shall take one of the following actions:

- i) Table the consideration of the project until their next regularly scheduled meeting to allow for the resolution of any outstanding issues.
- ii) Disapprove the preliminary plan.
- iii) Approve the preliminary plan.
- iv) Approve the preliminary plan with conditions.

5) *Time Limit.*

The preliminary plan approval shall be valid for a period of eighteen (18) months from the date it is approved by the City Commission. If the applicant has not obtained a land development permit and initiated construction or has not been granted an extension of time by the City Commission within eighteen (18) months of approval, the preliminary plan approval shall lapse and be considered void. A preliminary plan approval time limit is valid as long as the project maintains an active land development permit.

Notwithstanding these limitations, an applicant may intentionally phase a project with specific development timeframes. Development phasing may not cover a period exceeding 20 years. Commencement of construction must begin within 30 months of completion and inspection of the previous phase. Preliminary plat approval will lapse if the approved phase timeframes are exceeded, unless otherwise extended by the City Commission as provided for in Section 157.060(d)(6) below.

6) *Extensions.*

A request for an extension of the preliminary plan approval may be submitted to the City Manager or designee any time prior to expiration of the preliminary plan. No request for extension of preliminary plan approval will be accepted after the preliminary plat approval has lapsed or phasing schedule exceeded. The applicant may, however, reapply for

preliminary plan approval under the provisions of the Land Development Code.

- A) Extension requests shall be accompanied by a completed extension request form, furnished by the Department.
- B) The City Manager or designee shall schedule the request on the regularly scheduled City Commission agenda. The City Commission decision shall be final.



7) Phasing.

Subdivision projects may be phased. Phasing, if proposed, shall be shown on the preliminary plan and may be modified as allowed in Section 157.060(d)(8) of the Land Development Code.

A) Phasing shall be arranged and designed in such a manner that at any point in a project's development, the initial phase or any successive groups of phases shall be able to "stand alone," meeting all applicable standards set forth and referenced in the Land Development Code.

B) The initial phase and any successive groups of phases shall be able to "stand alone" and function adequately in regards to required improvements, infrastructure, facilities, and in relation to all project conditions so as to be independent from any future phase or phases and improvements or areas contained therein.

8) Modifications.

Minor modifications to approved preliminary plans may occur between preliminary and final plat approvals. Modifications to roadway layout, phasing, lot configuration will require an administrative approval as provided in Chapter 152. Modifications that require a change in the number of lots or a change in the area to be platted will require re-approval of the preliminary plat and must comply with the requirements and procedures of this Section.

9) Land Development Prior to Land Development Permit Prohibited.

No construction, with the exception of test facilities and minor clearing of underbrush and clearing activities permitted pursuant to a valid land clearing permit, may begin until a land development permit has been issued by the City of Fruitland Park.

Procedure. After TRC approval of the preliminary plat, (at the time the preliminary plat is scheduled for Planning and Zoning Board consideration and approval), an applicant may apply for a land development permit and follow either of the procedures identified in Section 157.060(d)(10) or Section 157.060(d)(10)(a) of the Land Development Code. No construction may commence until the applicant obtains a land development permit, pursuant to Section 157.060(d)(11) of the Land Development Code. The City Manager or designee is hereby authorized to waive, in writing, the requirement for a land development permit, where no improvements delineated in Section 157.070 are required or where a required improvement(s) can be provided via another application and review process.

10) Construction before Final Plat Approval.

The applicant shall submit to the City Manager or designee construction plans and specifications as required in Section 157.060(d)(11) of the Land Development Code together with a request for a land development permit.

A copy of the deed and letter of authorization from owner if different from the applicant shall accompany the request. Upon issuance of a land development permit, construction may commence. The improvements required by the preliminary plan approval shall be completed prior to final plat approval, as specified in the issued land development permit.

**A Certificate of Concurrency covering the area to be platted must be obtained prior to the issuance of a land development permit.** (See Chapter 153, "Concurrency Management").

Construction after final plat approval. Upon issuance of a land development permit, an applicant may apply for final plat approval, contracting with the City to construct the improvements required in the land development permit. The contract and corresponding security as specified in Section 157.100 of the Land Development Code shall be required for the performance and maintenance of all improvements which are to be constructed after final plat approval.

11) Plans and Specifications Required for Land Development Permit.

The applicant shall furnish to the City Manager or designee the construction plans and specifications designed in accordance with the approved preliminary plat and the requirements of the Land Development Code for the construction of improvements. The applicant shall also furnish a complete land development permit application form as furnished by the Building Department and shall submit the review fee established by the City Commission. The applicant must have obtained and shall submit copies of all jurisdictional agency permits, and all utility permits and franchises required by the utility provider, prior to the issuance of a land development permit. All construction plans and specifications must be prepared, signed and sealed by a professional engineer who is registered in the State of Florida. Engineering calculations and tests in support of any of the proposed plans and specifications may be required. The drawings and required information shall be so complete that review and analysis can be made from them without research of any outside data. Five (5) copies of the plans shall be submitted on twenty-four inch by thirty-six inch (24"x36") sheets unless another size is approved by the City Manager or designee, and shall contain, but shall not be limited to:

- A) A cover sheet, including a location map;
- B) Complete details including water, sewer and storm drainage system. The proposed general location of wells and septic tanks shall be in conformity with the requirements of the Lake County Health Department and all state and local ordinances;
- C) A copy of the SJRWMD permit and a copy of the master stormwater management and flood protection plan submitted and approved by SJRWMD;
- D) Roadway typical sections and summary of quantities for all construction work;

- E) Construction details showing compliance with City standards or alternate design as approved by the City Engineer or City Manager;
- F) Special profile sheets, if necessary, showing special or unique situations;
- G) Benchmark location, based on National Geodetic Vertical Data (N.G.V.D.) with topography at 1' contour intervals shown on a certified boundary survey of the project.
- H) Soil analysis, showing the location and results of test borings of the subsurface condition of the tract to be developed. Soil conservation service information may be used when available and deemed adequate by the City.
- I) The plans shall contain the special conditions and specifications pertaining to the subdivision in note form on the plans, such as:
  - i) Required compliance to the subdivision requirements;
  - ii) Where applicable, required compliance with state standards as currently adopted and in use;
  - iii) Minimum standards for materials;
  - iv) Test requirements for stabilization, base and backfill;
  - v) Source of water and sewer services;
  - vi) Traffic-control devices and pavement markings.
  - vii) The plan and profile of each proposed street and improvement to existing streets such as deceleration or turn lanes (including the existing ground surfaces and proposed street grade surfaces including extensions for a distance of fifty (50) feet beyond the tract boundary) with tentative finished grades indicated, and lot grading plan and including easement work, clearing and grubbing, and structural details of facilities of right-of-way.
  - viii) A typical cross-section of each type of proposed street or bikeway, showing the width of pavement. The location and width of sidewalks, where required, and right-of-way.
  - ix) Proposed erosion control facilities and the limits of earthwork construction, both as to final construction and for protection during construction.
  - x) Plans for street lighting, landscaping, parks, recreational areas and parking area. The plans shall be applicable approvals of all governmental agencies which are affected by the construction and have jurisdiction.

- xi) Projects engineered by more than one firm shall be coordinated by a single engineering firm or an engineer of record appointed by the developer.
- xii) A certificate from a surveyor registered in the State of Florida that a concrete permanent reference marker has been located in the public right-of-way at a corner point of the subdivision near the entrance way of the proposed subdivision. The permanent reference marker shall be identified on the plat of the subdivision and shall be used to establish a primary benchmark for all improvements in the subdivision.
- xiii) Where the design of the subdivision includes man-made canals or waterways, plans of the proposed construction will be included and shall indicate:
  - <sup>a</sup>All bulkhead lines;
  - <sup>b</sup>Detailed cross-sections showing existing and proposed depths;
  - <sup>c</sup>Location of hard pan, muck or other unique soil conditions; and
  - <sup>d</sup>Details of bulkhead construction.
- xiv) Proof of Certificate of Concurrency.

12) Review.

- A) Within five (5) working days of receipt of said plans and specifications, the Building Department will check the plans and specifications for completeness, maintain one copy of the plans for the project file, and forward the remainder to the appropriate department for review.
- B) Within fifteen (15) working days after receipt of such plans and specifications, the applicable departments shall submit their comments and recommendations to the City Manager or designee. The applicant will be advised in writing by the City Manager or designee of all applicable departmental comments within twenty-five (25) working days from the date of application submittal.

13) Approval of Plans and Specifications.

After the applicant has adequately addressed all departmental comments and has submitted to the City revised documents in accordance with departmental comments and has submitted copies of all required jurisdictional agency permits, the City shall, within ten (10) working days, approve or disapprove, the construction plans and specifications and issue

a land development permit. Prior to disapproving any permits, the City Manager shall provide to the applicant a second set of comments.

14) Appeals.

Appeals of decisions from the City Manager may be made to the City Commission. The City Manager shall schedule the meeting. The City Commission can overturn the appeal only if the application is found to meet all requirements of the City standards.

15) Modifications.

Minor modifications to approved preliminary plans may occur after the issuance of a land development permit, subject to approval by the Technical Review Committee. Any revisions to layout of the preliminary plat are subject to the provisions of Section 157.060(d)(8) "Modifications."

16) Term of Permit.

A land development permit issued under this section shall be void if construction does not commence within one hundred eighty (180) days and shall expire eighteen (18) months from the date of its issuance, regardless of whether or not the work is complete, unless the City Commission grants an extension of time, in response to the applicants written request for such an extension.

17) Inspections.

The City Engineer, City Manager, or their representatives, shall have the right to inspect the project for the purpose of ensuring that all improvements are being constructed in conformance with the provisions of the Land Development Code, and approved preliminary plat, and land development permit. All required data, tests and reports specified in the Land Development Code shall be submitted and approved by the City Engineer prior to acceptance or final approval of improvements. Required installation of subsurface construction such as water and sewer lines, public utilities, traffic control devices and storm drainage shall be completed prior to compaction of subgrade and road construction.

Reasonable tests will be required by the City Engineer, provided to the City at the expense of the applicant by a testing laboratory approved by the City Engineer. Such tests shall include, but not be limited to, compaction tests for subgrade, base and asphalt, material specifications tests to assure adherence to specifications of base, soil cement, asphaltic concrete, Portland cement concrete, drainage pipe and other materials, sanitary sewer pipe, water lines and materials and tests of other such materials and procedures as may be required to assure the construction is according to the plans and specifications approved by the land development permit.

18) Notification.

The City Manager or designee shall be notified, in writing of the commencement and completion of the following items of construction so that an immediate inspection can be performed to ensure conformance with said approved construction plans and specifications and the requirements of the Land Development Code. If the City notifies the developer that no City inspector is available to inspect within 48 hours of an inspection request, and if a delay in the inspection would cause a delay in the project, then this requirement may be met by submission of a certificate from the engineer of record that all construction was completed in accordance with the land development permit:

- A) Waterlines and sanitary sewer lines prior to backfilling
- B) Stabilized subgrade
- C) Curb and concrete work
- D) Roadway base
- E) Surface course
- F) Permanent reference monuments and permanent control points
- G) Storm sewer

Failure to notify the City of the commencement and completion of the construction of said items shall be good cause to refuse to issue a certificate of completion until such further investigation is conducted to verify compliance with the land development permit.

19) Final Inspection; Certificate of Completion.

Upon completion of construction of the improvements, the applicant shall provide the City Manager or designee with the following:

- A) A certified letter stipulating that construction of the improvements has been completed and requesting final inspection and approval.
- B) The testing reports and certificates of compliance from material suppliers.
- C) Three (3) sets of as-built construction plans and itemized list of cost estimates or construction contract amounts.
- D) Documents from a registered engineer with his seal affixed certifying that the improvements have been constructed in conformity with the land development permit and the provisions of the Land Development Code.

- E) A document from the utility provider approving all utility installations.
- F) Release of liens and affidavit that all liens are released on all improvements required by the Land Development Code. Upon receipt of the above items, the City Engineer and City Manager shall review said data and make a final inspection of the constructed improvements and shall notify the applicant of any items of noncompliance with the approved construction plans and specifications. A certification of completion shall be issued by the City Manager or designee when all improvements are completed in conformity with the approved design. This certificate shall release the construction surety.

20) Final Plat.

The approved final plat is the official record of the subdivision to be filed with the City Clerk and a copy shall be submitted to the Building Department. It is verification that the subdivided land has been developed substantially in accordance with the approved preliminary plat or that a bond has been posted which will secure the development as specified in the final plat. The final plat must be approved by the City Commission and recorded in the Public Records of Lake County prior to the developer selling any lot or parcel.

- A) *Procedure.* No final plat application shall be approved prior to the issuance of a land development permit. The plat shall be accompanied by:
  - i) A complete final plat application furnished by the Building Department;
  - ii) The appropriate filing fee and application;
  - iii) A certificate of concurrency covering the area to be platted;
  - iv) When required in conjunction with a construction contract or maintenance agreement, a certified cost estimate (EXHIBIT) shall be prepared by the developer's engineer and shall include the cost of surveying, engineering and construction of all required improvements. The actual contract price(s) may be substituted for the engineer's cost estimate;
  - v) Appropriate security for required improvement as specified in the Land Development Code unless a certificate of completion has been issued by the City Engineer;
  - vi) Seven (7) copies of the final plat drawing showing the required information and certifications;
  - vii) Security for maintenance of improvements meeting the requirements of the Land Development Code when a

certificate of completion has been issued; and improvements are dedicated to the City;

- viii) A copy of the property owner's association documents which accept the responsibility for maintenance of all private streets, rights-of-way, easements, recreation areas, stormwater management facilities or other improvements;
- ix) A copy of the final protective covenants and deed restrictions, where such covenants and restrictions are required or established by the applicant;
- x) All applicable informational requirements of the Land Development Code.
- xi) The City Manager or designee shall determine whether or not an application is complete and can be routed for interdepartmental review. No incomplete application shall be routed for review.
- xii) Current opinion of title prepared by a Florida attorney-at-law or title policy.

21) Format of Drawings. The final plat shall be:

- A) Prepared by a land surveyor registered and licensed in the State of Florida;
- B) On sheets twenty-four (24) inches by thirty-six (36) inches with one-half inch margin on three sides and a three inch margin on the left side for binding;
- C) To a scale of one inch represents one hundred (100) feet;
- D) Clearly drawn or printed with permanent black drawing ink;
- E) On linen tracing cloth or stable base film a minimum of 0.003 inches thick coated upon completion with plastic material or a nonadhered scaled print on a stable base film made by photographic processes to ensure permanency; and
- F) Printed with lettering no smaller than  $\frac{1}{8}$ ", with a commensurate letter-line width.

22) Information Required. (All information as required in Chapter 177.091, F.S.). The final plat shall contain:

- A) A title block;
- B) The name of the proposed subdivision which shall not duplicate nor closely approximate the name of any other existing subdivision in the City. If the plat is an addition to an existing subdivision, it shall bear



the same name as the existing subdivision. For planned developments, plats shall contain "PUD" within the title;

- C) The name of the city, county and state;
- D) The legal description;
- E) The date of preparation of the final plat and of any revisions;
- F) A prominent "north arrow" on each sheet showing any portion of the subdivided lands; also, the reference bearing or azimuth in the notes or legend;
- G) The scale stated and graphically illustrated on each sheet;
- H) An index sheet on page one showing the entire subdivision and indexing the area shown on succeeding sheets. Each sheet must show the particular number of the sheet and the total number of sheets as well as clearly labeled match lines;
- I) The point of beginning shown together with the letters P.O.B. in bold letters when a point of beginning is used in the legal description;
- J) The initial point in the description shall be accurately tied to the nearest section corner, quarter section corner or government lot corner, and a certified corner record must be submitted to the Department of Natural Resources for such corner in accordance with Florida Statutes Section 177, part III;
- K) Boundary lines of the subdivided tract shown as a heavy line;
- L) All adjacent property identified by the subdivision name, plat book and page number; if not platted, so state;
- M) County and City limit lines within or abutting the tract;
- N) Permanent reference monuments and permanent control point locations as prescribed in Chapter 177, Florida Statutes, and installed prior to submission of final plat;
- O) Survey data including all pertinent dimensions;
- P) Lot and block identification. Each lot and each block shall be identified;
- Q) Street names;
- R) The location and width of all existing or recorded streets intersecting or contiguous to the boundary of the plat by bearing and distances;
- S) "Not included" parcels to be labeled "not a part of this plat";
- T) The intended use of all reserved areas shall be shown on the plat;

- U) All areas within the plat boundaries labeled as either lots, right-of-way, or tracts. The use and maintenance responsibilities of all tracts shall be noted on the plat;
- V) All easements including limited access easements shall be graphically depicted and dimensioned;
- W) The following statements shall be noted on the plat in a prominent place:

“Notice: No construction, trees or shrubs will be placed in easements or rights-of-way without the City of Fruitland Park approval,” and

“Notice: There may be additional restrictions that are not recorded on this plat that may be found in the public records of Lake County”;

- X) A three inch by five inch space in the upper right hand corner of each sheet to be used by the Clerk of the Circuit Court for recording information. The following shall be depicted:

PLAT BOOK: \_\_\_\_\_

PAGE: \_\_\_\_\_

- Y) No strip or parcel of land reserved by the owner unless it is of sufficient size to be of some particular use or service or is environmentally sensitive land;
- Z) The boundary of the final plat having a mathematical error of closure not greater than .01 foot. Any plat undertaking to establish a local tidal datum and determine the location of the mean high water line or mean low water line shall comply with the notification requirements of Florida Statutes Section 177.37.

23) Covenants, Restrictions, Reservations.

- A) All covenants, restrictions or reservations placed by the developer or required by the City shall appear on the final plat or be established by separate recorded document, which documents shall be submitted to the City with the final plat. If done by separate document, the public record location of such documents shall be indicated beneath the subdivision name as follows: “Covenants, restrictions, or reservations affecting the ownership or use of the property shown in this plat are filed in Official Record Book No. \_\_\_\_\_, page \_\_\_\_\_.”
- B) When deemed necessary by the City’s utilities department to ensure the proper future expansion of utilities services, a covenant document shall be filed with the plat that indicated the following statement: “In the future, when a potable water distribution and/or wastewater collection system becomes available to service the subdivision, service improvements and connection shall be made by the homeowner’s association or by the property owners.” All deeds

conveying properties within the subdivision shall reference the covenant document.

24) Certification.

The final plat shall contain on the face or first page the following certifications, dedications and approvals, all executed and acknowledged as required by law, in the forms set forth below:

A) *Dedications.*

The purpose of all reserved areas shown or referred to on the plat and of the improvements defined in the dedication. All areas reserved for use by the residents of the subdivision and all areas or facilities intended for public use, shall be specifically dedicated by the owner of the land at the time the plat is recorded. All streets, rights-of-way, easements, recreation facilities designed to serve more than one property owner shall be dedicated to the City or to a private property owner's association at the City's discretion in a manner that will ensure access to and use by present and future owners of the properties to be served. Where private dedications are involved, ownership and maintenance association documents shall be submitted with the final plat. The dedication shall clearly dedicate the private facilities to the association without recourse to the City or any other public agency. All dedications shall be in the following forms or as approved by the City Attorney:

**CERTIFICATE OF DEDICATION  
(Corporate)  
STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_**

**KNOW ALL MEN BY THESE PRESENTS**, that (exact corporate name), a (state) corporation, fee simple owner of the land described and platted herein, as (exact name of subdivision), being in the City of Fruitland Park, Lake County, Florida, have caused said lands to be surveyed and platted as shown hereon and does hereby dedicate as follows:

**CERTIFICATE OF DEDICATION  
(Individual)  
STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_**

**KNOW ALL MEN BY THESE PRESENTS**, that (exact owner's name), fee simple owner of the land described and platted herein, as (exact name of subdivision), being in the City of Fruitland Park, Lake County, Florida, has caused said lands to be surveyed and platted as shown hereon and does hereby dedicate as follows:

**(SELECT AS APPROPRIATE):**

B) *Streets and Right-of-ways.* (For public streets)

All streets and rights-of-way shown on this plat (name specifically if less than all) are hereby dedicated in perpetuity to the City of Fruitland Park for the use and benefit of the public for proper purposes.

i) ***Private Streets.***

All streets and rights-of-way shown on this plat (name specifically if less than all) are hereby declared to be and shall remain private. They are dedicated for the use and benefit of the owners and residents of this subdivision, and shall be of the perpetual maintenance obligation of the (state exact legal name of maintenance entity). All public authorities, including but not limited to police, fire, ambulance, and utility providers shall have the right to use the streets in the course of performing their respective duties. The City of Fruitland Park shall have no responsibility, duty or liability whatsoever regarding such streets.

ii) ***Utility Easements.***

The utility easements shown are dedicated in perpetuity to the City of Fruitland Park for the construction, installation, maintenance and operation of utilities by any utility provider, including cable television services, in compliance with such ordinances and regulations as may be adopted from time to time by the City Commission of Fruitland Park.

iii) ***Drainage and Stormwater Management Easements.***

The drainage easements and stormwater management tracts or easements as shown are dedicated in perpetuity for construction and maintenance of drainage facilities and shall be the perpetual maintenance obligation of the (give exact name of maintenance entity). Front yard drainage easements are subject to the right of each lot to have a driveway for ingress/egress as approved by the City.

iv) ***Park and Recreation Areas.***

The park and recreation areas as shown are dedicated in perpetuity for the (exclusive use and enjoyment of the public) and shall be the perpetual maintenance obligation of (give exact name of maintenance entity, if private) (City of Fruitland Park).

v) **Limited Access Easements.**

The limited access easements as shown are dedicated in perpetuity to the City of Fruitland Park for the purposes of control and jurisdiction over access rights.

vi) **Conservation Easements.**

Conservation easements as shown are dedicated in perpetuity to the City of Fruitland Park or the appropriate agency for the purpose of preservation of environmentally sensitive areas.

**(ADD APPROPRIATE CONCLUSION):**

**(Corporate)**

**IN WITNESS WHEREOF**, the above named corporation has caused these presents to be signed by its \_\_\_\_\_ and its corporate seal to be affixed hereto by and with the authority of its board of directors this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

**(FULL CORPORATE NAME)**, a corporation of the State of \_\_\_\_\_, By: \_\_\_\_\_ (Signature of president or vice president or chief executive

**(Individual)**

**IN WITNESS WHEREOF**, (I) (we), (name(s)), have hereunto set (my) (our) hand(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

WITNESSES:

\_\_\_\_\_  
(Typed Name) (Signature)

\_\_\_\_\_

(ADD ACKNOWLEDGEMENT OF THOSE EXECUTING THE DEDICATION)

25) Joinder and Consent to Dedication by Mortgagor or Other Party in Interest.

**MORTGAGOR'S CONSENT**

**STATE OF \_\_\_\_\_**  
**COUNTY OF \_\_\_\_\_**

The undersigned hereby certified that it is the holder of (a) mortgage(s), lien(s), or other encumbrance(s) upon the

property described hereon and does hereby join in and consent to the dedication of the land described in said dedication by the owner thereof and agrees that its mortgage(s), lien(s) or other encumbrance(s) which (is) (are) recorded in Official Record Book \_\_\_\_ at page(s) \_\_\_\_ of the public records of Lake County, Florida, shall be subordinated to the dedication shown hereon.

IN WITNESS WHEREOF, (I) (we), \_\_\_\_\_  
do hereunto set (my) (our) hand(s) and seal(s) this \_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_.

WITNESS

MORTGAGOR

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Typed name)

\_\_\_\_\_ (Typed name)

**ADD ACKNOWLEDGMENT OF THOSE EXECUTING  
MORTGAGOR'S CONSENT**

**NOTE:** In accordance with Florida Statutes, Section 177.081, this joinder may be executed by a separate instrument joining in and ratifying the plat and all dedications thereon. If this means of joinder is used, such fact must be stated on the plat together with a reference to the location in the public records of such separate instrument.

26) Certificate of Title.

A title certification shall appear on the face or first page of each plat and shall state:

- A) The lands as described and shown on the plat are in the name of, and apparent record title is held by, the person, persons, or organizations executing the dedication;
- B) That all taxes have been paid on said property as required by Section 197.192, Florida Statutes, as amended; and
- C) The official record book and page number of all mortgages, liens, or other encumbrances against the land, and the names of all persons holding an interest in such mortgage, lien or encumbrance.

The title certification shall be an opinion of a Florida attorney-at-law or the certification of an abstract or title insurance company licensed to do business in Florida. The City reserves the right to require that the title certification be brought current at the time of final plat approval.

27) Certification of Surveyor. The plat shall contain:

- A) The signature, registration number and official seal of the land surveyor certifying the survey data compiled and shown on the plat complies with all of the requirements of Chapter 177, Florida Statutes, as amended, chapter in the following forms:

**CERTIFICATE OF SURVEYOR**

**KNOW ALL MEN BY THESE PRESENTS,** That the undersigned, being a licensed and registered land surveyor, does hereby certify that on \_\_\_\_\_ he completed the survey of the lands as shown in the foregoing plat; that said plat is a correct presentation of the lands therein described and platted or subdivided; that permanent reference monuments have been placed and each P.C.P. will be set as shown thereon as required by Chapter 177, Florida Statutes and Subdivisions and Platting, Chapter \_\_\_\_; and that said land is located in Fruitland Park, Florida.

Dated \_\_\_\_\_ Registration No. \_\_\_\_\_;

- B) A statement that permanent reference monuments, "P.R.M.", have been set in compliance with Chapter 177, Florida Statutes, as amended; and
- C) Each P.C.P. will be set under the direction and supervision of the surveyor within one year from the date the plat was recorded. When required improvements have been completed prior to the recording of a plat, the certification shall state that each P.C.P. has been set in compliance with the laws of the State of Florida and ordinances of Fruitland Park. When plats are recorded and improvements are to be accomplished under surety posted as provided for by this ordinance, the required improvements and surety shall include each P.C.P. In this case the certification will state that each P.C.P. will be set and the surveyor will file an affidavit of record when set in place.

28) Certificate of Approval by the City Commission.

The plat shall contain the approval and signature block for the City Commission and the acknowledgment and signature block of the Clerk of Circuit Court and the City Attorney. In the event the plat contains dedications to the City, this certificate shall also indicate whether the City accepts in whole or in part the dedications made. The following form is acceptable:

**CERTIFICATE OF APPROVAL BY CITY COMMISSION**

**THIS IS TO CERTIFY,** that on \_\_\_\_\_, the foregoing plat was approved by the City Commission of Fruitland Park, Florida. (Address acceptance of dedications in whole or in part, as appropriate).

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

\_\_\_\_\_  
City Attorney

29) Certificate of Approval by the Planning & Zoning Board.

The final plat shall contain the approval and signature of the Planning and Zoning Board Chairman in the following form:

**CERTIFICATE OF APPROVAL BY THE PLANNING AND ZONING BOARD**

Examined and Approved \_\_\_\_\_ Date \_\_\_\_\_

30) Clerk's Certification.

State of Florida  
County of Lake

I, Clerk of the Circuit Court of Lake County, Florida, do hereby certify that I have examined this plat of \_\_\_\_\_ subdivision and that it complies with all the requirements of Chapter 177 of the Laws of Florida. This plat filed for record this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and recorded on Page \_\_\_\_ of Plat Book \_\_\_\_ in the office of the Clerk of Circuit Court of Lake County, Florida.

By: \_\_\_\_\_  
Clerk of Circuit Court, Lake County, Florida.

31) Instrument Prepared By.

The name and address of the natural person who prepared the plat shall be contained on the plat. The name and address shall be in statement form consisting of the words, "This instrument was prepared by (name), (address)."

32) Signatures.

All signatures required shall be originals on the final plat and shall be made in permanent black ink.

c) Review of Final Plat Documents.



The City Manager or designee shall schedule all applications for review by the TRC, in the same manner as stated in Section 157.069(d)(4) of the Land Development Code. The City Attorney must review mylars prior to scheduling the Final Plat for the City Commission agenda.

d) Approval by City Commission.

Upon completion of City staff review, the final plat and application along with recommendations shall be forwarded to the City Commission for review and consideration of approval. The City Commission shall determine whether the final plat is in substantial conformity with the preliminary plan and meets all the requirements of the laws, rules and regulations of the City of Fruitland Park and after consideration shall approve, postpone for future consideration, approve subject to specified conditions or disapprove for stated reasons.

In rejecting any final plat, the City Commission shall provide reasons for such action and recommendation making reference to specific sections in the Land Development Code and Florida Statutes, Chapter 177 or applicable City policy established by the Commission. The City Manager shall send a copy of such reasons to the developer within ten (10) working days following the Commission meeting. The subdivider may comply with the recommendations made by the City Commission and resubmit the final plat to the City Manager for processing as prescribed above. The City Commission shall indicate approval on the final plat by signature of the Mayor.

e) Recording.

The final plat shall be recorded by the developer in the Circuit Court of Lake County, and two (2) certified copies delivered to the City Clerk. After recording, the developer may sell lots.

f) Acceptance of Public Improvements.

Approval of said final plat shall constitute acceptance by the City of all public areas or improvements dedicated to the City of Fruitland Park according to the terms set out in the acceptance block.

- 1) The owner shall be required to maintain the accepted improvements in good condition for a period of two (2) years from the date of final plat approval or one year from the date that a certificate of completion is issued by the City Manager, whichever is later. At the end of the two year period, the improvements shall be such condition that they meet the requirements of the Land Development Code as it existed at the time of approval of the final plat.
- 2) The City accepts no obligation to perform any act of construction or maintenance except when the obligation is voluntarily and expressly assumed by the City.
- 3) The City shall withhold all public improvements, including the maintenance of streets, from all subdivisions which have not been accepted in the manner herein provided.

- 4) No changes, erasures, modifications or revisions shall be made in any final plat after approval unless the plat is first resubmitted for approval.
- 5) There shall be no reference to any possible reversion of any property in the dedication of a plat.
- 6) The developer shall pay all costs of public improvements and certify that they have been paid at the time of dedication or at the time of issuance of a certificate of completion.
- 7) All mortgagors or others having a lien on the land shall join in or ratify the plat and all dedications thereon executed.
- 8) The City will accept no obligation to repair or maintain navigable canals, waterways or bulkheads. Waterways and canals must be dedicated to and accepted by a property owner's association. Bulkheads that abut private or public streets must also be accepted for maintenance and repair by the property owner's association.

g) Plat Vacation Requests.

Plat vacation requests shall be made through the City Manager or designee on applications furnished by the City. A filing fee established by the City Commission shall accompany any request. The request will be reviewed by the Technical Review Committee (TRC) as scheduled by the City Manager. The request will be scheduled for consideration by the City Commission in accordance with Florida Statutes Chapter 177.101, which governs plat vacations.

h) Right-of-Way Vacation Request.

Right-of-way vacation requests are made through the Building Department on applications furnished by that department. A filing fee established by the City Commission shall accompany any request. The request shall be reviewed by the Technical Review Committee (TRC) as scheduled by the City Manager. Once the applicant has adequately addressed all TRC comments, the vacation request will be scheduled for consideration by the Planning and Zoning Board and the City Commission in accordance with the Florida Statutes, Chapter 336, which governs right-of-way vacations.

**SECTION 157.070: IMPROVEMENTS REQUIRED.**

All subdivisions shall provide improvements required in this Chapter. The requirements and standards of this Chapter shall be considered as the minimum required to meet the intent of the Land Development Code. Each subdivision shall contain the following improvements designed and constructed to conform to the requirements and specifications in the applicable laws of the City of Fruitland Park and the State of Florida, the zoning district or other land development regulations applicable to the subdivision.

- 1) Streets, easements, access easements and rights-of-way;
- 2) Utility systems;

- 3) Erosion control provisions;
- 4) Stormwater and floodwater management system, filling and drainage as necessary;
- 5) Street signs and traffic control markings and signs;
- 6) Permanent control points;
- 7) Tree and vegetation protection, conservation areas for environmentally sensitive areas and buffering areas;
- 8) Bikeways, sidewalks and alleys;
- 9) Fire hydrants, street lights;
- 10) Parks and recreational areas and facilities;
- 11) Bridges and culverts when necessary and curbing;
- 12) Transportation system improvements (off-site and on-site) and emergency access; and
- 13) Other provisions as may be required by the Land Development Code.

**SECTION 157.080: DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS.**

The purpose of this Section is to provide standards for the construction of transportation, street, roadway and stormwater management improvements within the City.

a) Roadway and Street Construction.

All subdivisions shall construct a system of roadways and streets to provide access to proposed lots and for the through traffic needs of the project and area. In addition, any unpaved streets which provide access to the subdivision shall be improved as required in this Section. Unless otherwise indicated in these regulations, construction shall comply with the latest edition of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction. The City Manager or Designee shall make the interpretation of these specifications in cases where they are unclear or where there is a conflict due to a difference in understanding of the intent of the specifications.

1) Layout.

Streets shall be laid out in consideration of topographic conditions, existing and previously approved streets, proposed roads as reflected in the Comprehensive Plan, the traffic needs for surrounding land uses, and overall traffic safety. The layout shall specifically be designed as follows:

- A) Existing streets ending at the project boundary shall be outlined into the project, if otherwise permitted by the Land Development Code.
- B) Proposed streets shall be designed to provide access to adjoining unsubdivided streets at logical locations for future subdivision.
- C) A minimum of two (2) points of access shall be provided into each subdivision of twenty-five (25) lots or more. Where adjoining development and Code requirements preclude the development of two (2) public street access points, an unobstructed driveable accessway may be substituted if required by the City Manager.
- D) Street jobs with centerline offset shall be prohibited.
- E) All streets that have permanent dead ends shall terminate in a cul-de-sac.
- F) Cul-de-sac streets shall not exceed six hundred (600) feet in length, unless granted a variance by the City Commission pursuant to Section 157.110 of the Land Development Code.
- G) Right-of-way line intersections shall be rounded with a minimum radius of twenty-five (25) feet. A greater radius may be required on collector or arterial roads, or where road construction details require.
- H) Where a subdivision abuts or includes an arterial or major collector road, streets and blocks shall be designed so that no lot requires access from the arterial or major collector road.
- I) Cul-de-sac radius not less than 50 feet.
- J) Alleys shall not be less than thirty (30) feet with a paving width of twenty (20) feet.
- K) Dead end alleys shall be prohibited.

2) Lot and Block Layout.

All lots shall be designed to meet the minimum dimensional requirements of the zoning district or any controlling development agreement. The following additional criteria shall be considered in the layout of proposed subdivisions:

- A) Where a subdivision abuts or includes an arterial or major collector road, streets and blocks shall be designed so that no lot requires access from the arterial or major collector road. Where double frontage lots are used to meet this requirement, a sufficient area shall be set aside by dedication or easement to provide the landscaped buffer required in Chapter 164 of the Land Development Code.

- B) Double frontage lots are to otherwise be avoided, but where justified due to unusual circumstances, shall provide for the required buffer noted above.
- C) Curvilinear street layouts are strongly encouraged, and regimented lot and block patterns are to be avoided.
- D) Side lot lines shall be substantially at right angles or radial to right-of-way lines.
- E) Lots on curves shall be platted to provide the minimum required lot width at the minimum building setback line.
- F) All corner lots shall be fifteen (15) percent wider than the minimum width required by the Land Development Code.
- G) Block lengths shall not exceed twelve hundred (1200) feet, minimum length shall be six hundred (600) feet.

3) Dimensions.

Right-of-way widths, pavement widths, minimum curvature, intersection spacing and other roadway dimensions shall be as follows (in feet):

	<b>STREET TYPE</b>			
	<i>Minor Arterial</i>	<i>Major Collector</i>	<i>Minor Collector</i>	<i>Local</i>
Right of Way Width	100*	100	80	50
Min. Pavement Width	24	24	20	20
Min. Centerline Radius	750	300	150	150
Minimum Grade	0.3%	0.3%	0.3%	0.3%
Min. Intersection Spacing	660	330	250	150
Min. Radius, Back of Curb at Intersection	40	40	35	35

\* Four lane roads. One hundred twenty (120) feet for six lane roads.

4) Construction Standards.

A) *Clearing and Grubbing.*

All rights-of-way shall be completely cleared and grubbed for their entire width. Selective clearing and grubbing in order to preserve desirable, existing landscape may be allowed provided that the final determination of areas to be cleared and grubbed is made by the City Manager or designee.

B) *Earthwork.*

In areas where unsuitable materials (muck, peat, clay, rock, etc.) are encountered within the right-of-way, the contractor shall over excavate to a depth approved by the City and shall backfill with a suitable material in an approved manner as directed by the City Manager or designee.

Materials used in fill areas shall be suitable for that use.

C) *Bridges, Culverts, Storm Sewers, Ditches and Pipes.*

i) ***Bridges.***

Bridges shall be constructed of pre-cast concrete, pre-stressed concrete, cast-in-place concrete, composite concrete and steel, or steel. Bridge design shall conform to the design criteria of the latest edition, AASHTO Standard Specifications for Highway Bridges.

Prior to design of bridges, the developer's engineer shall submit design load criteria to the City for approval.

Materials and methods of construction shall conform to the Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition.

ii) ***Culverts.***

The following is a list of minimum standards for culverts:

<sup>a</sup> Material: reinforced concrete.

<sup>b</sup> Minimum Size: eighteen (18) inches or equal.

<sup>c</sup> Minimum Cover: one-and-one-half (1½) inches below base.

<sup>d</sup> End Treatment: headwall, inlet, manhole, or metered end section required, each end.

Asphalt coated corrugated metal pipe, corrugated aluminum pipe, or smooth bore corrugated polyethylene pipe may be allowed where it does not cross under roads.

The size of the culvert should be based upon the anticipated peak flow for the appropriate design storm.

iii) ***Storm Sewers.***

The following is a list of minimum standards for storm sewers:

- <sup>a</sup> Material: reinforced concrete, asphalt coated corrugated metal, corrugated aluminum pipe, or smooth bore corrugated polyethylene pipe. Only reinforced concrete pipe shall be allowed under roads.
- <sup>b</sup> Minimum Size: Fifteen (15) inches or equal.
- <sup>c</sup> Minimum Cover: One-and-one-half (1½) inches below base.
- <sup>d</sup> Junctions: Inlet or manhole required at each change of alignment, grade, size or material. Maximum length between manholes shall be 300 feet for pipe sizes of 18 inches or less, 400 feet for pipes up to 42 inches, and 500 feet for 42 inches and above.
- <sup>e</sup> End Treatment: Inlet, manhole, headwall, or metered end sections.

iv) ***Ditches.***

The following is a list of minimum standards for roadside ditches:

- <sup>a</sup> Three-foot minimum bottom width.
- <sup>b</sup> Two-foot minimum depth, below shoulder.
- <sup>c</sup> Maximum front slope – 3:1.
- <sup>d</sup> Maximum back slope – 2:1.

**NOTE:** See typical road section details for standard swale sections.

v) ***Pipes.***

Pressurized PVC pipe laid under the roadway shall be encased. An acceptable alternative shall be the utilization of ductile iron pipe without encasement.

D) ***Inlets, Manholes and Metered End Sections.***

Inlets, manholes and metered end sections shall be constructed in accordance with the Florida Department of Transportation Standard Specifications for Road and Bridge Construction.

Storm sewer manholes shall have poured inverts.

Ditch bottom inlets shall have open throats. Inlets shall be placed such that the throat shall be at or above the ditch or swale bottom.

E) *Groundwater and Road Underdrains.*

Roads shall be designed such that the high groundwater elevation is at least 6 inches below the bottom of the subgrade. In cases where this is unattainable, road underdrains may be utilized with the approval of the City Manager or designee. Underdrain design shall be subject to the approval of the City Manager or designee.

If road underdrains are installed which discharge into the stormwater management system, the retention/detention system shall be designed to accommodate the additional flow and volume due to the groundwater discharge.

F) *Sodding, Seeding and Mulching.*

i) ***Sodding.***

Two (2) strips of sod shall be placed along the edge of pavement on all roads.

Swale checks shall be completely sodded along their length and from the edge of pavement to the right-of-way line.

Roads which exceed a grade of 3% shall be sodded from edge of pavement to the edge of the right-of-way to prevent excessive erosion and sedimentation. This requirement may be temporarily waived by the City Manager or designee provided that the developer shall maintain the road section and shall promptly clean up any erosion or sedimentation to the City's satisfaction.

Additionally, all sod shall have been placed and the stormwater management system shall be free of sedimentation prior to the release of the maintenance bond and assumption of maintenance by the City for public roads or within two (2) years of road construction for private roads.

The contractor shall be responsible for watering and maintaining the viability of the sod for a period of two (2) weeks after installation. Any sod which dies within this period shall be replaced at no cost to the City.

All grassed areas within existing rights-of-way that are disturbed by construction shall be resodded.

ii) ***Seeding and Mulching.***

All unpaved areas of the right-of-way that are not required to be sodded shall be seeded and mulched.



Seeding and mulching shall be distributed on a per-acre basis. The mix for a one-acre area shall include: 30 pounds of Bermuda (one-half hulled/one-half unhulled), 80 pounds of Bahia, 550 pounds of fertilizer and from October 1 through March 31, 50 pounds of millet shall be included. A clean, weed-free mulch shall be used.

Proper watering shall be included for two (2) weeks from the completion of the seeding and mulching.

G) *Pedestrian Improvements.*

i) ***Sidewalks.***

Sidewalks shall be constructed as follows: Sidewalks shall be 4" –3,000 PSI concrete. The depth shall be 6" at driveways. Saw cut traverse joints shall be included to control cracking. Joints shall be cut on the same day as the pour and shall be spaced a length equal to the width of the sidewalk.

ii) ***Pedestrian Walkways.***

The pavement section for pedestrian walkways shall be one of the following:

<sup>a</sup> 4" of Type II asphaltic concrete laid directly on a compacted subgrade.

or

<sup>b</sup> 1½" of Type II asphaltic concrete overlaying a 4" compacted limerock base laid on a compacted subgrade.

or

<sup>c</sup> Walkways shall be 4" – 3,000 PSI concrete laid on a compacted subgrade and shall be reinforced with 10-10x6"x6" mesh. Saw cut traverse joints shall be included to control cracking. Joints shall be cut on the same day as the pour and shall be a length equal to the width of the walkway.

iii) ***Mulched Foot Paths.***

Mulched foot paths shall be cleared and compacted and shall have 3" of mulch placed along its entire area.

H) *Driveways.*

i) ***Single-family Residential Driveway.***

*Clay road or unimproved roads*—no apron required, however, depending upon roadside drainage, a driveway culvert may be required. Minimum driveway culvert size is 15" diameter or equivalent. The minimum length of culvert shall be 20 feet.

*Paved road*—6" limerock base with 1" asphalt or 6" –3,000 PSI concrete reinforced with 10-10x6"x6" mesh constructed from the property line to the edge of existing pavement. Depending upon roadside drainage, a driveway culvert with metered end sections may be required. Minimum driveway culvert size is 15" diameter or equivalent. The minimum length of culvert including metered end section shall be 30 feet.

ii) ***Non-single Family Residential Driveway.***

*Clay or unimproved road*—minimum 12" thick stabilized clay apron from edge of road to the property line or apparent right-of-way line. Depending upon roadside drainage, a driveway culvert with metered end sections may be required. Minimum driveway culvert size is 15" diameter or equivalent. The minimum length of culvert including metered end sections shall be 40 feet.

*Paved road*—8" limerock base with 1" asphalt or 6" –3,000 PSI concrete reinforced with 10-10x6"x6" mesh constructed from the property line to the edge of existing pavement. Depending upon roadside drainage, a driveway culvert with metered end sections may be required. Minimum driveway culvert size is 15" diameter or equivalent. The minimum length of culvert including metered end sections shall be 40 feet.

I) ***Turn Lanes.***

Turn lanes shall be constructed as a widening of existing pavement. When left turn lanes are constructed, the entire roadway shall be overlaid from end of taper to end of taper. The City Manager or designee, may waive the overlay requirement if the road is scheduled for construction within one (1) year of the installation of the turn lane(s). If deemed necessary, the City Manager or designee may require an overlay with the installation of a right turn lane.

Road widening for the installation of turn lane shall be constructed according to the following:

Base—12" limerock placed in two- 6" lifts and compacted to a 98% density.

Asphalt—2" type S-1 asphalt to match the existing pavement.

Overlay—50 lbs/sy type 2 leveling course and 1" friction course.

All turn lanes shall be marked with thermoplastic striping and reflective buttons.

b) Pavement Construction.

1) Subgrade.

The following are minimum standards for the stabilized subgrade:

*Width:* The subgrade shall be two (2) feet wider than the base course (one (1) foot each side) and in the case of curb and gutter shall extend six (6) inches behind the curb.

*Depth:* The subgrade shall have a minimum depth of 12 inches.

*Compaction:* The subgrade shall be compacted to 98% density having a minimum Florida Bearing Value (FBV) of 50 pounds per square inch.

*Care of Subgrade:* Trucks will be allowed on finished subgrade to dump base course, but contractor will be required to level out ruts. In the event the trucks cause too much damage to the subgrade, the City Manager or designee may require dumping, spreading and hauling on the base course.

2) Shoulders.

The following are minimum standards for shoulders:

*Width:* Shoulders shall be eight (8) feet wide. A reduction in the width requirement may be allowed if approved by the City Manager or designee.

*Depth:* Shoulders shall have a minimum depth of six (6) inches.  
*Compaction:* Shoulders shall be compacted to a minimum Florida Bearing Value of 50 pounds per square inch.

*Grading:* Shoulders shall be graded with a minimum cross-slope of ½-inch/foot.

3) Base Course.

The following are minimum standards for the base course:

*Material:* Ocala limerock or soil cement are acceptable material types for the road base. Other materials may be used if approved by the City Manager or designee. Soil cement may not be utilized on heavy duty roads without specific approval by the City Manager or designee.

*Width:* All bases shall be one (1) foot wider (six (6) inches on each side) than the finished surface.

*Depth:* The base shall have a minimum depth of six (6) inches. Heavy duty roads shall have a base with a minimum depth of eight (8) inches placed in two (2) lifts.

*Compaction:* Limerock base shall be compacted to a minimum 98% density as determined by AASHTO T-180.

*Strength:* Soil cement base shall have a seven (7) days design compressive strength of at 300 PSI.

*Forms:* No form boards will be required unless, in the opinion of the City Manager or designee, the contractor is not taking precautions to obtain the full depth at the edges.

*Grading:* The base shall be graded and rolled to conform to the grade and cross-slope of the finished roadway.

*Prime Coat:* Prime coat shall be applied to all base courses, and sand sealed.

4) Wearing Surface.

The following are minimum standards for pavement wearing surface:

*Material:* Type III asphaltic concrete shall be used for the road wearing surface. Other asphalt types may be used if required by the City Manager or designee.

*Depth:* Roads shall have a minimum 1 inch depth of wearing surface. The minimum depth may be increased if required by the City Manager or designee.

*Heavy Duty Roads:* Heavy duty roads shall have a wearing surface consisting of two (2) inches of S-1 asphaltic concrete overlaid with a one-inch friction course. The type of material to be used for the friction course shall be determined by the City Manager or designee.

*Grading:* Road surfaces shall be graded with a minimum cross-slope of ½-inch/foot.

5) Curb and Gutter.

The width of curb and gutter shall be a minimum of twenty-four (24) inches and shall be either Florida Department of Transportation Type F (standard curb and gutter) or Miami type, depending upon the flow to be handled. FDOT Type D (simple vertical curbing) will not be acceptable. FDOT Type A (mountable median curb) may be used around median dividers on the high side of pavement. There shall be a stabilized subgrade beneath all curb and gutter.

No water valve boxes, meters, portions of manholes, or other appurtenances of any kind relating to any underground utilities shall be located in any portion of a curb and gutter section.

The curb and gutter flow line grades shall run parallel to the road centerline grade. The minimum allowable flow line grade of curbs and

gutters shall be 0.30%, except in intersections where flatter grades shall be allowable.

Joints shall be sawed (unless an alternate method is used) at intervals of ten (10) feet, except where shorter intervals are required for closures, but, in no case, less than four (4) feet. Joints shall be cut on the same day that the curb and gutter is poured.

All cross-street valley gutters shall be constructed of concrete.

6) Decorative Pavement.

The use of decorative pavement shall be subject to the approval of the City Manager or designee. The City shall not assume the maintenance of decorative pavement sections. Maintenance shall be the responsibility of a homeowners association or other acceptable entity.

The City shall have the right to modify, alter, or remove all or a portion of the decorative pavement as necessary for roadway improvements or improvements for traffic safety.

*Bomanite Pavement*—Bomanite pavements shall meet the requirements for concrete pavement in the Florida Department of Transportation Standard Specifications for Road and Bridge Construction. The developer shall submit to the City, for approval, manufacturer's specifications confirming adherence to these regulations.

*Paving Bricks*—The use of paving bricks shall be subject to the approval of the City. The developer shall submit to the City, for approval, manufacturer's literature and technical specifications regarding the structural strength, skid resistance and subgrade requirements.

7) Testing.

Testing shall be provided as part of construction and shall be at no cost to the City. Testing shall be performed by an independent engineering testing laboratory certified in the State of Florida.

The following are minimum testing requirements:

*Subgrade*—Testing for the subgrade thickness, bearing value and density shall be located no more than five hundred (500) feet apart and shall be staggered to the left, right, and on the centerline of the roadway. The City may also require additional test locations as directed by the City Manager or designee. There shall be no less than one (1) test per road. Testing shall be in accordance with applicable FDOT, AASHTO or ASTM standards. Certified test results shall be submitted to the County for approval prior to proceeding with the base course.

*Limerock Base*—Testing for the base thickness and density shall be located no more than five hundred (500) feet apart and shall be staggered to the left, right and on the centerline of the roadway. The City may also require additional test locations as directed by the City Manager or designee.

There shall be no less than one test per road. Testing shall include: modified proctor maximum density, in-place field density and thickness. Testing shall be in accordance with applicable FDOT, AASHTO or ASTM standards. Certified test results shall be submitted to the County for approval prior to proceeding with the wearing surface.

*Soil-Cement Base*—Testing for the base thickness and strength shall be located no more than five hundred (500) feet apart and shall be staggered to the left, right and on the centerline of the roadway. The City may also require additional test locations as directed by the City Manager or designee. There shall be no less than one test per road. Testing shall include: test cores taken after seven days to verify thickness and testing to verify a minimum seven day compressive strength of 300 PSI. Testing shall be in accordance with applicable FDOT, AASHTO, or ASTM standards. Certified test results shall be submitted to the City for approval prior to proceeding with the wearing surface.

*Wearing Surface*—Testing for wearing surface thickness shall be located no more than 500 feet apart and shall be staggered to the left, right, and on the centerline of the roadway. The City may also require additional test locations as directed by the City Manager or designee. There shall be no less than one test per road. Testing shall include: certified design mix extractions taken in field at least one per day and corings to verify thickness. Testing shall be in accordance with applicable FDOT, AASHTO, or ASTM standards. Certified test results shall be submitted to the City for approval.

c) Traffic Safety.

1) Pavement Marking and Signing.

All pavement marking and traffic control signs shall be in place prior to final inspection. The installation of traffic control devices shall be at no cost to the City. All materials and installation shall conform to the specifications of the Manual of Uniform Traffic Control Devices.

If, at any time prior to final acceptance, an unforeseen becomes apparent for signing or pavement markings that were not shown on the approved plans, the City may require additional sign(s) or markings in the interest of public safety and as a condition of City acceptance.

All pavement marking shall be thermoplastic.

All regulatory signs shall have "high intensity" facings or better.

Stop signs on local streets shall be 30 inches and 36 inches on all others and shall be placed on round, aluminum posts. A larger stop sign may be required at the direction of the City Manager or designee.

Road name signs shall be 9 inches high with a length of 24 inches minimum to 36 inches maximum.

2) Street Lighting.

Street lighting, when proposed or required, shall be located within the right-of-way.

Street lights shall be located on separate utility poles specifically for that purpose.

3) Stormwater Discharge into Rights-of-way.

The outfall of stormwater management systems into the public rights-of-way may be allowable provided that the following are met:

- A) The stormwater management system complies with the criteria of "Stormwater Management" Chapter 158;
- B) The outfall does not constitute an appreciable change in the nature of the discharge into the right-of-way.
- C) The downstream drainage system within the right-of-way is sufficient capacity to accommodate the discharge and that the discharge will not appreciably add to or contribute to an existing drainage problem.

If necessary, the developer shall provide any improvements needed to allow the downstream drainage system to accommodate the outfall discharge.

d) Stormwater Management System.

A stormwater management system shall be designed and installed for development activities that are subject to the provisions of the Land Development Code. Approval of the Stormwater Management Plan shall be contingent on the receipt of any required permit from the St. Johns River Water Management District and/or the Florida Department of Environmental Regulation, but will not result in automatic approval of the stormwater management plan by the City Manager or designee. The stormwater management plan submitted for development activities must be reviewed and approved by the City as part of the construction plans for the project.

- 1) All residential and non-residential structures constructed in the 100-year floodplain shall have the finished first floor of the building elevated a minimum of 18 inches above the elevation of the 100-year flood, as determined by the City Manager or designee. For industrial developments, flood proofing may be substituted in lieu of elevating the finished floor.
- 2) Development shall not result in an increase in the 100-year flood elevation. No fill shall be allowed to be placed in the 100-year floodplain without an equivalent volume of soil removed to compensate for the loss of the flood storage. Compensating storage is to be determined by the volume of material removed above the ordinary high water table and below the 100-year flood elevation established for that area. Fill placed in the 100-year flood plain shall not reduce the flow rate.

- 3) Projects shall be designed so that stormwater discharges meet, at a minimum, the water quality criteria set forth by the St. Johns River Water Management District or the Department of Environmental Regulation, whichever applies.
- 4) The peak rate of flow of the discharge hydrograph for the project site shall not exceed the pre-development peak rate of flow for the range of storms specified by the St. Johns River Water Management District.
- 5) The stormwater management system shall not create an adverse impact to upstream or downstream area. Off site areas which discharge to or across a site proposed for development shall be accommodated in the stormwater management plans for the development. No stormwater management plan shall be approved until the applicant demonstrates that the runoff from the project shall not overload or otherwise adversely impact any downstream areas.
- 6) The stormwater management system shall minimize adverse environmental impacts to wetlands, fish, wildlife or other natural resources.
- 7) Wetlands shall not be used for stormwater treatment except as permitted by the St. Johns River Water Management District or the Department of Environmental Regulation.
- 8) Wetlands shall not be used to attenuate runoff peak rates except for isolated wetlands which are wholly contained on site, provided that the utilization of the wetlands for storm water attenuation does not disrupt the normal range of water level fluctuation as it existed prior to construction of the wetland discharge facility.
- 9) All proposed stormwater management systems shall be designed to prevent flooding, promote safety and minimize health hazards.
- 10) All stormwater management systems shall be designed to reduce the pollution of surface water and groundwater resources by stormwater, control erosion and provide for recharge where appropriate. The City Manager or designee, while enforcing standards set for pollution and sedimentation control, may encourage innovative approaches to control pollution and erosion and to provide for recharge.
- 11) Drainage easements or rights-of-way shall be dedicated by the owner, at no expense to the City, for the stormwater facilities within the development.
- 12) When a proposed drainage system will carry water across private land outside the development, the off site drainage easements shall be secured by the owner or applicant and indicated on the plat or in a separate recorded document approved by the City.
- 13) Easements and rights-of-way shall include suitable access for maintenance equipment from public rights-of-way.



- 14) All drainage easements, both on site and off site, shall be recorded on a final plat or a separate recorded document approved by the City.
- 15) The installed stormwater system shall be maintained by the legal entity responsible for maintenance. All stormwater management plans shall contain documentation sufficient to demonstrate that the operation and maintenance entity is the legal entity empowered and obligated to perpetually maintain the stormwater management facilities.

**SECTION 157.090: UTILITY IMPROVEMENTS.**

a) Water and Sewer.

Utility improvements shall be constructed as outlined in Chapter 159, "Utilities" of the Land Development Code including potable water, sanitary sewer and solid waste.

b) Electric.

The developer shall be responsible for the installation of electric utility lines, with lines to be constructed underground unless otherwise permitted by City Commission.

*Street Lights.* The developer shall forward approved development plans to the electric provider for street light design.

Street lights shall be generally provided at all intersections, and at intervals along each street of between three hundred (300) and four hundred (400) feet.

c) Telephone, Television Cable and Other Utilities.

The developer shall be responsible for the installation of telephone, television cable and any other utility lines, with all lines to be constructed underground unless otherwise permitted by the City Commission.

d) Stormwater Management System.

All subdivisions shall provide a stormwater management system based on the requirements of Chapter 158 of the Land Development Code.

*Storm Sewer Design.* All inlets, manholes and catch basins shall be either poured in place or precast reinforced concrete. All storm sewer pipe shall be reinforced concrete, and a minimum of eighteen (18) inches in diameter, or equivalent. A structure allowing access for maintenance shall be required at all changes of grade or alignment. In addition, structures shall be required at the following maximum intervals along any storm sewer.

**SECTION 157.100: SECURITY FOR CONSTRUCTION AND FOR MAINTENANCE OF REQUIRED IMPROVEMENTS.**

a) Construction Security.

- 1) When construction of required improvements is to be completed following final plat approval, the developer shall, at or prior to final plat approval, execute a contract for construction of the required improvements and post security in the amount equal to one hundred fifteen (115) percent of the estimated total cost of improvements remaining to be constructed.
- 2) The contract shall be on a form provided by the City and shall obligate the developer to complete all required improvements in accordance with the land development permit, the approved plans and specifications and City development regulations and standards, within a period of one (1) year from the date of final plat approval.
- 3) The estimated total cost of improvements remaining to be constructed shall include survey, engineering and construction costs and shall be approved by the City Engineer after review of an itemized cost estimate prepared and certified by the developer's engineer, or an actual contract price or portion thereof for the work remaining, if available.
- 4) The surety posted to guarantee performance of the contract shall expire, if at all, no less than ninety (90) days beyond the last date for performance established by the contract, or any extension thereof. The surety shall run in favor of the City, must be in a form acceptable to the City Attorney, and may be either:
  - A) A performance bond underwritten by a surety insurer authorized to transact such business in this state; or
  - B) A cash deposit and escrow agreement governing control and use thereof; or
  - C) An irrevocable letter of credit (issued by a financial institution authorized to conduct business within the state); or
  - D) Other means of security acceptable to the City Attorney.
- 5) For good cause shown, the City may in its discretion grant one or more extensions of time for performance of any contract for required improvements, provided the surety supporting such contract remains valid for the required ninety-day period following the newly extended time for performance.
- 6) No certificates of occupancy for residential occupancy for any structure within a subdivision shall be issued until all required improvements of the subdivision or appropriate phase or area of the subdivision have been accepted by the City, or where required improvements are dedicated to a private association, until all required improvements have been completed, and have been inspected and approved by the City.

b) Maintenance Security.

- 1) At such time when the City agrees to accept the dedication of any of the public improvements in a subdivision, the developer shall execute an agreement guaranteeing the required improvements against all defects in workmanship or materials, including failure to construct in accordance with approved plans and specifications, for the period of two (2) years from the date of acceptance.
- 2) The agreement shall be on a form provided by the City Attorney's office and shall be secured by the posting of surety in an amount equal to twenty-five (25) percent of the total actual cost of the improvements covered. The surety shall be in one of the forms specified in Section 10 for construction security. Surety other than performance bonds shall expire, if at all, no earlier than ninety (90) days following the end of the guarantee period. Performance bonds shall expire, if at all, no earlier than ninety (90) days following the end of the guarantee period. Performance bonds shall guarantee performance without any time limitation other than the statute of limitation.

c) Failure to Perform.

In the event a developer fails to perform the obligations for construction or maintenance required under the above referenced agreements, the City may call upon the surety provided, or any portion thereof, to be used for completion of the necessary remaining work. If the surety is exhausted prior to completion of the work necessary to complete the required improvements, the developer shall remain liable to the City for any resulting deficiency. The City is not responsible to complete any subdivision with City funds.

d) Release or Reduction of Security.

- 1) No construction security shall be released until a certificate of completion has been received, reviewed, and approved by the City Manager or designee and security for maintenance has been established as required above.
- 2) Reduction in the amount of surety required, other than a final draw or reduction, may be authorized by the City Commission after completion of any distinct and separable phase or portion of the required improvements. The amount of any given reduction shall not exceed eighty (80) percent of the cost of completed work, as determined by the City Commission following review of a cost estimate for said work prepared and certified by the developer's engineer. A reduction in construction security shall not be construed as acceptance of the improvements. Formal acceptance of the improvements, unless expressly stated otherwise by the City Commission at the time of the reduction. Formal acceptance shall occur as provided elsewhere in the Land Development Code, and only upon establishment of proper maintenance security, where required.

## **SECTION 157.110: VARIANCES.**

### a) Jurisdiction.

Variations to the requirements of this Chapter may be granted by the City Commission, upon recommendation of the Planning and Zoning Board. Variations to other requirements, such as lot dimensions, that are required as part of subdivision design, but specified in other Chapters, shall be considered under the procedure applicable to that Chapter.

### b) Procedure.

1) Variance to Plat and Development Plan Review Process. Application to waive the plat and development plan review process shall be filed and processed in the same manner as Appeals to the Land Development Code, as outlined in Chapter 168.

2) Variance to Required Improvements or Design Criteria of this Chapter. Application to vary required improvements or design criteria shall be noted on the application form for subdivision or development plan approval as appropriate. Variations requested shall also be prominently noted on the submitted plans themselves.

### c) Criteria for Review of Variations from the Review Process.

The following criteria may be considered as the basis for the approval of a variance from the review process:

- 1) Required services are already available to proposed lots without the construction of additional improvements.
- 2) Levels of service can be reasonably provided through the site development plan review process or residential site plan review process for individual lots.
- 3) Other methods can be arranged to assure construction of improvements, eliminating the need for formal subdivision approval.
- 4) The granting of a variance is consistent with the overall intent of the Land Development Code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

### d) Criteria for Review of Variations from Required Improvements or Design Criteria.

The following criteria may be considered as the basis for the approval of a variance from required improvements or design criteria, in addition to those criteria outlined above:

- 1) Topographic or other physical conditions exist which are peculiar to the site and not a result of the actions of the applicant.

- 2) Literal interpretation of the Land Development Code would result in unnecessary and undue hardship on the applicant.

If the City Commission approves a variance, it may attach any such conditions to the variance as will assure that the variance will not result in noncompliance with the intent and purpose of this Chapter. Violation of any condition shall be deemed a violation of this Chapter.

e) Application for Variance.

- 1) An applicant seeking a variance from this Chapter shall submit an application on the form provided by the City together with such fee as the City Commission shall establish, to the City Manager or designee. The request shall state the reasons and facts supporting the variance. Upon receipt of the request, the Commission will be notified and shall schedule a public hearing to consider the request.
- 2) Courtesy notice. The public hearing shall be advertised fifteen (15) days in advance. All property owners listed on the latest tax roll within three hundred (300) feet of the property on which a variance is requested shall be notified in writing by the City Clerk's office by U.S. Mail. Lack of a property owner's receipt of such notice shall not be grounds to postpone or set aside any variance granted.

**SECTION 157.120: PENALTY.**

Violation of any of the provisions of this Chapter shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days or by both.

**SECTION 157.130: OTHER CRITERIA SUBDIVISION COMPONENTS.**

Requirements of the following chapters shall be adequately addressed and satisfied. The Technical Review Committee (TRC) may require information deemed necessary to demonstrate compliance with these regulations.

Concurrency Management.

- 1) Zoning District Regulations, Chapter 154.
- 2) Landscaping Requirements and Tree Protection, Chapter 164.
- 3) Environmental Protection Regulations, Chapter 165.
- 4) Stormwater Management, Chapter 158.
- 5) Wellfield and Aquifer Protection, Chapter 166.
- 6) Historical and Archeological Resource Protection, Chapter 167.
- 7) Transportation Standards, Chapter 162.
- 8) Floodplain Protection, Chapter 161.

## CHAPTER 164

### LANDSCAPE REQUIREMENTS AND TREE PROTECTION

#### **SECTION 164.010: PURPOSE AND INTENT.**

The purpose of this Chapter is to establish minimum standards for landscaping, buffers, and tree protection within the City as stated in the Comprehensive Plan. This section is to be implemented to achieve the following intents and purposes of the City Commission:

- 1) To improve the appearance of the community;
- 2) To provide shade for the ground surfaces;
- 3) To buffer adjacent land uses;
- 4) To preserve natural and native vegetation;
- 5) To screen vehicular movement from pedestrian and public view; and
- 6) To provide for the protection and preservation of trees and vegetation with the City.

#### **SECTION 164.020: DEFINITIONS.**

See Chapter 151, "Definitions and Interpretations."

#### **SECTION 164.030: LANDSCAPE REQUIREMENTS.**

a) Vehicle Use Areas.

Landscape requirements for vehicle use areas will be as follows:

- 1) Maximum number of uninterrupted parking spaces between landscaping is ten (10). The landscaped areas will be a minimum of 200 square feet and shall contain a minimum of:
  - A) One approved canopy tree or three approved understory trees; and,
  - B) Three shrubs and ground cover or grass.
- 2) A landscape area shall be provided at the end of all parking rows. The landscaped area will be a minimum of 200 square feet and shall contain a minimum of one approved canopy tree, five shrubs and ground cover or grass.
- 3) All parking areas not located adjacent to required buffer areas shall be landscaped on the perimeter with a minimum of a continuous hedge 36" on center with a height of 30" and contain one approved canopy tree or three approved understory trees for every fifty (50) feet of length.

b) Buffer Landscaping.

Buffers will be provided along the outer parcel lines and abutting right-of-way lines using the following criteria:

The requirements for buffers are based on the proposed use of the parcel. The required plant material for each class is determined per 100' or portion thereof of parcel or property line. All remaining area within the buffer will be landscaped with grass or ground cover. The following is the required plantings per zoning classification:

<b>BUFFER REQUIREMENTS</b>				
<i>SITE ZONING</i>	<i>BUFFER WIDTH</i>	<i>CANOPY TREES</i>	<i>UNDERSTORY TREES</i>	<i>SHRUBS</i>
R-1	-	-	-	-
R-2	-	-	-	-
R-3 (MF)	10'	2	-	8
C-1	15'*	4	2	15
C-2	15'*	4	2	15
PFD	**	**	**	**
RP	10'	4	2	8
I	25'	5	4	30
PUD	**	**	**	**

\* The buffer width on the side property lines shall be 10'.  
 \*\* To be reviewed individually with each application. The buffer requirements will be based on the proposed uses within the PUD and PFD and the adjacent existing land uses.

c) Uses within Required Buffer Areas.

The use within the buffers will be limited to passive recreation. The buffer can contain pedestrian, bike, or equestrian trails constructed of pervious material. If any impervious surface is located within the buffer, the buffer width will be increased an equal amount.

The additional use within the buffer is allowed only if no plant material is eliminated and the total width of the buffer is maintained. Parking areas are not allowed within the buffer.

d) Exemption to Buffer Requirements.

Any portion of a property line adjacent to wetlands will be exempt from the planting portion of the buffer requirements.

e) Credit for Native or Existing Plant Material Natural Upland Communities.

The applicant is encouraged to utilize existing vegetation within the property for Buffer landscaping in lieu of planting materials. However, the existing vegetation on-site must be an upland community as defined in the Appendix to the City of Fruitland Park Code.

This option must be approved by the City Manager before final site plan approval.

**SECTION 164.040: PLANTING STANDARDS.**

The City Commission has adopted the following as the minimum standards for plant material and as the approved species list to be used in complying with this Chapter.

a) Approved Species.

1) Canopy Trees.

Live oak (*Quercus virginiana*)  
Laurel oak (*Quercus laurifolia*)  
Shumard oak (*Quercus shumardii*)  
Water oak (*Quercus nigra*)  
Red maple (*Acer rubrum*)  
American holly (*Ilex opaca*)  
Sweetgum (*Liquidambar styraciflua*)  
Southern magnolia (*Magnolia grandiflora*)  
Sweet bay (*Magnolia virginiana*)  
Slash pine (*Pinus elliottii*)  
Sand pine (*Pinus clausa*)  
Longleaf pine (*Pinus palottii*)  
Loblolly pine (*Pinus taeda*)  
Bald cypress (*Taxodium distichum*)

2) Understory Trees.

Drake elm (*Ulmus parvifolia*)  
Weeping bottlebrush (*Callistemon viminalis*)  
Redbud (*Cercis canadensis*)  
Dogwood (*Cornus florida*)  
Cherry laurel (*Prunus caroliniana*)  
Wax myrtle (*Myrica cerifera*)  
Crepe myrtle (*Lagerstromia indica*)  
Red cedar (*Juniperus silicicola*)  
Yaupon holly (*Ilex vomitoria*)

3) Shurbs.

Sweet viburnum (*Viburnum odoratissimum*)  
Sandanka viburnum (*Viburnum suspensum*)  
Privet (*Ligustrum lucideum*)  
Waxed leaf ligustrum (*Ligustrum japonicum*)  
Podocarpus (*Podocarpus macrophyla*)  
Pittosporum (*Pittosporum tobira*)  
Saw palmetto (*Serenoa repens*)  
Azaleas (*Rhododendron spp.*)

b) Quality.



All plant material used to meet the provisions of this Section shall be equal or exceed the grade of Florida #1 as given in "Grades and Standards for Nursery Plants," State of Florida.

1) Canopy Trees.

Canopy trees shall have a minimum height of twelve (12) feet and shall have a 1½" caliper DBH. The caliper of multi-trunk trees will be calculated using a total the DBH of all trunks.

2) Understory Trees.

Understory trees shall have a minimum height of six (6) feet and shall have a ½" caliper DBH.

3) Shrubs and Hedges.

Shrubs shall have a minimum height of 30" at the planting and shall be 36" within one year of the time of planting. When a continuous hedge is called for in this section the plants shall be planted at a maximum spacing of 36".

**SECTION 164.050: TREE REQUIREMENTS.**

No certificate of occupancy shall be issued by the City Manager or designee on new single family or duplex dwelling units unless the parcel has the minimum number of approved canopy trees.

A minimum of three (3) canopy trees with a minimum of twelve (12) feet in height and a 1½" caliper DBH or existing approved canopy trees with an equal or greater height and caliper will be required per lot.

For single family or duplex dwellings within a new subdivision, additional trees may be required pursuant to the replacement requirements as stated within the tree removal permit. In such cases, the required number of replacement trees shall be divided by the number of lots approved for the subdivision. The resulting number shall be added to the minimum tree requirements for each lot.

**SECTION 164.060: EXEMPTIONS.**

a) Single Family and Duplex.

Single family and duplex lots are exempt from the landscape requirements of this Section. Single family is also exempt from the tree requirements of this Section.

b) Variance.

The City Commission may waive or reduce the required landscaping if the requirements are shown to be excessive or unreasonable due to unusual site restrictions.

**SECTION 164.070: IRRIGATION.**

All landscaping required under this Chapter will be required to have an adequate irrigation system as required for the maintenance of the plant material. If xeriscape principles are used in the design of the landscape a reduction in the amount of irrigation required will be considered.

**SECTION 164.080: INSTALLATION AND MAINTENANCE.**

- a) All landscaping is to be installed in a professional manner following good nursery practices as set by the Florida Nurserymen's Association.
- b) All irrigation systems are to be maintained in an operable manner.
- c) The owner is responsible for the maintenance of the landscaping on-site and in grassed rights-of-way adjoining landscape areas.
- d) The city may conduct periodic inspections to assure compliance with the maintenance requirements of this Section.

**SECTION 164.090: TREE PROTECTION.**

- a) Prohibitions.

Unless exempted herein, it shall be unlawful and subject to the penalties provided herein for any person directly or indirectly by another on his behalf to:

- 1) Remove, relocate, destroy or damage any protected tree as defined in Section 164.040(a)(1) & (2) on any site or tract without first obtaining a tree removal permit pursuant to Section 164.090(c) of the Land Development Code.
- 2) Perform any land clearing or grubbing unless a land clearing permit, if required, has been issued and is posted on-site pursuant to this Chapter.
- 3) Perform tree removal, land clearing, grubbing, grading, excavation, construction or make or install any improvement upon any site or tract, regardless of the existence of valid permits or approvals for the given activity, unless each protected tree to be preserved pursuant to this Chapter has been marked by a highly visible band and unless all protected areas established pursuant to this Chapter has been surrounded by a protective barrier.

- b) Exemptions.

Notwithstanding anything to the contrary within this Chapter, the following activities shall be lawful without application or issuance of a tree removal or land clearing permit. None of these exemptions shall apply to any specimen or historic tree, upland native plant community conservation area, or wetland conservation area. The burden of proving entitlement to any particular exemption shall lie with the person claiming use of the exemption, in the event the exempted activity ever becomes subject to an enforcement action.

- 1) The removal, trimming, pruning or alteration of any **unprotected** tree.
  - 2) Routine landscape maintenance such as trimming or pruning of vegetation which is not intended to result in the eventual death of the plants, mowing of yards or lawns, or any other landscaping or gardening activity which is commonly recognized as routine maintenance or replacement.
  - 3) The removal, trimming, pruning or alteration of any tree or vegetation in an existing utility easement or right-of-way provided such work is done by or under the control of the operating utility company and said company has received all necessary licenses or permits to provide utility service within the easement.
  - 4) The removal, pruning, trimming or alteration of any tree or vegetation for the purpose of maintaining existing access to a property.
  - 5) Any activity conducted by a lawfully operating and bona fide commercial nursery, tree farm, agricultural operation, silvicultural operation, ranch or similar operation, when the activity occurs on property owned or lawfully occupied by the person conducting said activity and is done in pursuit of said activity. This exemption shall include the purposeful removal of a tree or trees for their permanent relocation at another site undergoing development. When land clearing or tree removal has been performed under this exemption based upon the use of property for an agricultural or silvicultural operation, the following shall apply:
    - A) Pertaining to silviculture, operations are encouraged to implement a State Division of Forestry approved management plan.
    - B) Pertaining to silviculture and agriculture, operations within wetlands will need to secure a Notice of Intent from the St. Johns River Water Management District before any clearing or harvesting is initiated.
    - C) Pertaining to agriculture, operations are encouraged to implement a Soil and Water Conservation District approved conservation plan as applicable to the specific area being cleared.
  - 6) Any tree which is diseased or has been destroyed or damaged beyond saving, or which constitutes an immediate peril to life, property, or other trees, may be removed without a permit.
  - 7) Removal of trees listed within the non-preferred tree list.
  - 8) Removal or relocation of trees less than six (6) inches DBH.
  - 9) Trees being removed in an emergency situation as determined by the City Manager or designee of a tree damaged by a storm or other event when the tree presents a danger to the public.
- c) Tree Removal Permit.
- 1) Application.

- A) All new subdivisions shall be required to submit an application for a tree removal permit at the time of initial submittal of the subdivision plan to the City so that consideration may be given to the protection of native trees and vegetation.
- B) Any commercial, industrial, multi-family, or other use, requiring site plan approval shall be required to submit an application for a tree removal permit at the time of site plan submittal so that consideration may be given to the protection of native trees and vegetation.

2) Forms and Submittal Requirements for a Tree Removal Permit.

- A) An application for tree removal shall be filed on forms provided by the City Manager. Completed applications shall be returned to the City Manager with the following:

A complete inventory of the trees to be removed shown on a scaled aerial photograph (1" = 300' or greater) indicating:

- i) property boundaries;
- ii) location of all individual trees, other than non-preferred trees, which are 6 inches DBH or greater, including DBH of each tree, its location and its common name;
- iii) reasons for removal of trees;
- iv) appropriate permit fee as adopted by the City Commission.

- B) A clearing permit shall be secured in concurrence with the tree removal permit if clearing, grubbing and grading is planned.

3) Criteria for Issuance.

No tree removal permit shall be issued unless the reviewer finds that at least one of the following criteria has been satisfied with respect to each protected tree designated for removal under the permit. Notwithstanding, no specimen tree or historic tree (as defined within this Chapter) shall be removed except as expressly approved by the City Manager.

- A) That the tree is located within an existing or proposed right-of-way;
- B) That the tree is located within an existing or proposed easement; or stormwater management system;
- C) That the tree is located where its continued existence would unreasonably interfere with the physical construction of the improvements on a particular site as may result from interference with the access to the site by construction equipment, or with the operation of the equipment on the site in the immediate vicinity of the proposed structure or improvements;

- D) That the tree is located where it creates or will create a safety or health hazard, or a nuisance with respect to existing or proposed structures or vehicle or pedestrian routes, and relocation of the tree on the site is not a feasible alternative;
- E) That the tree is located where it interferes with the installation, delivery, or maintenance of proposed or existing utility services to the site;
- F) That the tree is diseased, injured, or in danger of falling;
- G) That the tree is located on a portion of the site to be used for construction of required parking areas or vehicular and pedestrian ingress and egress areas;
- H) That the tree is located on a portion of the site where structural development is proposed, provided reasonable effort has been made to preserve protected trees to the extent feasible under this criterion.

4) Expiration.

The tree removal permit, when issued, shall specifically identify which trees shall be permitted to be removed. Such permit shall expire either at the time of the issuance of the last certificate of occupancy for the subdivision or at the time of issuance of the certificate of occupancy for any commercial, industrial multi-family or other structure. Trees not removed during the life of the permit may not be removed without the issuance of a new permit based upon a new application.

5) Removal Requirements.

Tree removal permits authorize the removal of trees specified within the permit. It is not required that all trees contained within the tree removal permit be removed by the applicant, however, no more trees than are specified in the permit may be removed without modifying the permit.

6) Replacement Requirements.

A) *General.*

Amount of replacement: At least 25% of the total number of trees removed pursuant to the tree removal permit shall be replaced on-site by the applicant.

In the event that this replacement is not physically possible due to the site conditions the applicant may request that the replacement criteria be waived and specify the reasons why the criteria should be waived with the permit application at the time of submittal. A statement will be documented within the final tree removal permit to waive the replacement criteria if approved by City Manager.

It shall be also stated within the tree removal permit that all replacement trees shall be planted prior to the issuance of the certificate of occupancy.

Replacement trees shall be located on-site in areas approved by the City Manager or designee as a condition of the tree removal permit.

B) Subdivisions.

Replacement trees shall be planted with either of the following:

- i) Prior to the issuance of the certificate of occupancy for the individual structure on a lot; and/or
- ii) At the time of completion of final construction activities within the subdivision.

C) When the certificate of occupancy method is used, the required number of replacement trees shall be distributed on each lot within the subdivision in accordance with Section 164.050, "Tree Requirements."

D) When replacement trees are planted following final construction of the subdivision the replacement trees shall be located on-site in areas approved by the City Manager or his designee as a condition of the tree removal permit.

E) *Landscape Credit.*

Replacement trees may be used to meet the requirements of the landscape code stated in Section 164.030, "Landscape Requirements."

F) *Maintenance.*

Replacement trees shall be maintained in good condition for one year during which survival is guaranteed by the property owner.

G) *Replacement Waived.*

Replacement requirements will be waived for any tree removal permit application for the removal of less than four (4) trees.

H) *Replacement Size Criteria.*

A replacement tree shall be a tree with a minimum height of twelve (12) feet and shall have a 1½" caliper DBH. The caliper of multi-trunk trees will be calculated using a total DBH of all trunks.

I) Replacement trees shall be credited toward the tree requirements for single family lots as stated within Section 164.050, "Tree Requirements."

d) Tree Protection during Development Activities.

Within the City it shall be unlawful for any person, during the construction of any structures or other improvements to place solvents, material, construction machinery or temporary soil deposits within the drip line of:

- 1) Any tree not permitted to be removed, and/or
- 2) All trees that are retained or replaced pursuant to the tree removal permit.

This provision includes soil that is placed in the drip-line permanently for the purpose of a grade change, unless the grade is changed according to the guidelines described in the Florida Division of Forestry, Department of Agriculture and Consumer Services Publication; "Tree Protection Manual for Builders and Developers."

Posts or other materials may be used as protective barriers to roots and trunk of every tree on the parcel being developed. The protective barrier shall be placed at points not closer than the drip line of the protected tree. Each section of the barrier shall be clearly visible. No attachments or wires other than those with protective or non-damaging nature shall be attached to any tree.

No equipment, construction materials or debris shall be placed within the protective barrier. Protective barriers shall remain in place until all construction activity is terminated.

No fuel, paint, solvent, oil, thinner, asphalt, cement, grout or any other construction chemicals of any kind shall be stored or be placed within the protective barrier.

e) Non-Approved Trees.

Australian Pine (*Casuarina* species)

Cajeput or Punk Tree (*Melaluca quinquenervia*)

Chinaberry (*Melia azedarch*)

Ear Tree (*Enterlobium cyclocarpum*)

Eucalyptus species

Florida Holly or Brazilian Pepper (*Schninus terebinthifolius*)

Paper Mulberry (*Broussonetia papyrifera*)

Silk Oak (*Grevilla robusta*)

f) Historic and Specimen Trees.

A historic tree is one that has been designated by the City Commission, to have historical significance to the community. A specimen tree is one in which the

City Commission and or the County Forester has designated to be protected because of its unique character or species.

Historical or specimen trees shall not be removed without the finding of the City Commission that the tree is a hazard or that it is not feasible to develop the site without removing the tree.

**SECTION 164.100: ALTERATION OF EXISTING DEVELOPMENT.**

a) Compliance Required.

Parcels of land or developments that are nonconforming must be brought into full compliance with this Section in conjunction with the following activities:

- 1) When the gross floor area of a building, other than a shopping center, is expanded more than ten percent or more than 4,000 square feet, whichever is less. More than one expansion from the effective date of the Land Development Code will be combined in determining if the ten percent has been reached.
- 2) When the use of the development changed from residential to nonresidential.
- 3) When the activity requires the submission of a site development plan and involves more than ten percent of the parcel.
- 4) When a structure is destroyed by fire or other calamity.

b) Shopping Centers.

- 1) When a shopping center is expanded by more than ten percent or more than 4,000 square feet, whichever is less, the development shall bring 25 percent of the development into compliance with this addition. The remainder of the parcel shall be brought into compliance under a five year phasing schedule which shows a minimum of an additional ten percent each year with the entire site brought into compliance at the end of the fifth year. Additional expansions do not extend the original five year compliance requirement.
- 2) When repeated expansions occur on a site the total combined expansion shall be used in determining whether the threshold for compliance has been reached.

c) Vehicle Use Areas.

- 1) When a parking area is expanded by less than 10 percent, only the new area is required to be brought into compliance with this Chapter of the Code.
- 2) When a parking area is expanded by 10 percent or more the entire parking area shall be brought into compliance with this Chapter of the Code.



d) Existing Buildings.

- 1) No building existing in the date of the enactment of the Land Development Code shall be required to be altered or moved in order to comply with this Chapter of the Code.

**SECTION 164.110: PLAN APPROVAL.**

a) Landscape Plan.

- 1) The applicant shall submit a site plan/landscape plan at the time of submittal of construction plans for the proposed structure. If the plans are submitted for site plan review only they should contain all the landscape information.
- 2) The landscape plan shall contain the following information:
  - A) name, address and telephone number of the owner
  - B) name, address and telephone number of the designer
  - C) scale of the plans
  - D) indication of north
  - E) all dimensions, property lines
  - F) indication of existing trees to remain on the site
  - G) delineation of swales and retention areas
  - H) designation of existing and proposed parking
  - I) zoning of parcel and surrounding parcels including those across rights-of-way
  - J) location, size, specifications of all plant materials including botanical and common names
  - K) indication of the location and width of buffer being shown
  - L) square footage of paved area and building

b) Irrigation Plan.

- 1) The applicant shall submit an irrigation plan at the time of submittal of construction plans for the proposed structure.
- 2) The irrigation plan shall contain the following information:
  - A) name, address and telephone number of the owner

- B) name, address and telephone number of the designer
- C) scale of the plans
- D) indication of north
- E) existing and proposed parking
- F) location and type of all irrigation controllers, valves, pipes and other irrigation equipment to be used on the site

**SECTION 164.120: VIOLATION.**

- a) Any owner with landscaping as required under this Section not being maintained in a neat and healthy appearance shall be notified and a reinspection shall be made within 30 days. Continued violation after the 30 days will be referred to the Code Enforcement Board.

**SECTION 164.130: WATER EFFICIENT LANDSCAPING.**

- a) Intent.

The intent of this Section is to:

- 1) Recognize the need for and the protection of groundwater as a natural resource through the application of enhanced landscape practices;
- 2) Recognize that water-efficient landscaping maximizes the conservation of water by using site adapted plants and efficient watering methods that will generally result in a reduction of irrigation requirements, costs, energy and maintenance; and,
- 3) Regulate the installation of rain sensor devices on automatic lawn irrigation systems in accordance with Section 373.62, Florida Statutes.

- b) Purpose.

The purpose of these regulations is to establish minimum standards for the development, installation and maintenance of landscaped areas on a site with water use efficiency as a goal without inhibiting the use of creative landscape design. This section encourages specific water conservation measures including the preservation of natural vegetation, the re-establishment of native plant communities, the use of site specific plant materials and the use of native vegetation.

To achieve the objectives of this section, the seven basic principles of water-efficient landscaping are incorporated. Those principals are:

- 1) good design
- 2) soil improvement

- 3) use of mulch
- 4) limit lawn areas
- 5) use of low water use plants
- 6) efficient irrigation; and
- 7) appropriate maintenance.

c) Applicability.

Applicants for site plan approval for development, redevelopment and rehabilitation of all parcels within the City of Fruitland Park are encouraged, but not required to follow the guidelines of this section.

d) General Provisions and Design Standards.

Any construction or development activity requiring a planting within buffers or other landscaping is encouraged to be consistent with the water-efficient landscaping standards established herein.

1) Good Design.

- A) Preservation of existing vegetation areas when possible.
- B) Installation of plant material in groups according to the water needs of the varieties. The plants should be grouped as follows:
  - i) **High Water use Zones.** Plant materials that are associated with moist soils and require supplemental water in addition to natural rainfall to survive. The High Water use Zone plant material should be limited to less than fifty percent (50%) of the total landscaped area of the site.
  - ii) **Moderate Water use Zones.** Plant materials that can survive on natural rainfall with supplemental water during seasonal dry periods.
  - iii) **Low Water use Zones.** Plant material that can survive on natural rainfall with no supplemental water.

2) Soil Improvement.

The existing soils on the site should be analyzed to help determine the appropriate plant types for the site. The soils should be enhanced if needed to give the soils more moisture retention capabilities.

3) Use of Mulch.

Organic mulches should be used and maintained around all trees located in turf areas, in landscape areas not planted or not appropriate for growing turf or groundcover, and in all planted areas, except annual beds.

4) Limit Lawn Area.

- A) The use, type and location of lawn area in the landscape shall be selected in a planned manner and not used as a fill-in material.
- B) Since most lawn varieties used in the landscape require supplemental watering more frequently than other types of landscape plants, turf shall be placed so that it can be irrigated separately.

5) Use of Low Water use Plants.

- A) Plants should be selected based on the plant's adaptability to the site, desired effect, color, texture and mature size. The landscape should be designed to give the desired aesthetic effect and plants should be grouped in accordance with their respective water needs.
- B) The use of native plants is encouraged whenever possible.
- C) The following lists are approved plants for use within the City of Fruitland Park for meeting the requirements for landscaping. Other varieties may be used with permission from City staff.

<b>CANOPY TREES</b>	
Chapman Oak	Red Bay
Laurel Oak	Slash Pine
Live Oak	Southern Magnolia
Shumard Oak	Sugar Berry (Hackberry)
Turkey Oak	Sweetgum
Pignut Hickory	

<b>UNDERSTORY TREES</b>	
Chickasaw Plum	Myrtle Oak
Dahoon Holly	Sand Live Oak
Dogwood	Redbud
Loquat	Southern Red Cedar
Bluejack Oak	

<b>SHRUBS</b>	
American Holly	Natal Palm
Beauty Berry	Saw Palmetto
Boxthorn	Pampas Grass
Butterfly Bush	Philodendron
Cape Honeysuckle	Pineapple Guava
Coral Bean	Pittosporum
Crepe Myrtle	Podocarpus
Fatsia	Photenia
Florida Privet	Silver Buttonwood

Gallberry	Silverthorn
India Hawthorn	Viburnum
Shore Juniper	Wax Myrtle
Kumquat	White Indigo Berry
Lantana	Yaupon Holly

GROUND COVERS	
Algerian Ivy	Gopher Apple
Asparagus Fern	English Ivy
Chinese Juniper	Liriope
Coontie	Mondo Grass
Daylily	Oyster Plant
Dwarf Yaupon Holly	Wedelia
Creeping Fig	

6) Efficient Irrigation.

- A) The irrigation system shall be designed to correlate to the water use plant zones established in the landscape design. The following criteria for irrigating the site should be used in the design of the system.
- i) In the High Water use Zones all portions of the zone shall be provided with an automatic irrigation system with low volume heads that are timed to produce no more than 2" of water per week in established landscapes.
  - ii) In the Moderate Water use Zones all portions of the zone shall be provided with a readily available water supply within twenty-five (25) feet to supplement natural rainfall when needed and to help ensure watering will take place until the plant material is established.
  - iii) In the Low Water use Zones all portions of the zone shall be provided with a readily available water supply within fifty (50) feet to supplement natural rainfall when needed and to help ensure that watering will take place until the plant material is established.
- B) Rain sensor devices shall be required on all automatic irrigation systems in accordance with Section 373.62, Florida Statutes, to avoid irrigation during periods of sufficient rainfall.
- C) The irrigation system shall be designed to minimize irrigation overthrow onto impervious surfaces and to negate any ponding effects.

7) Appropriate Maintenance.

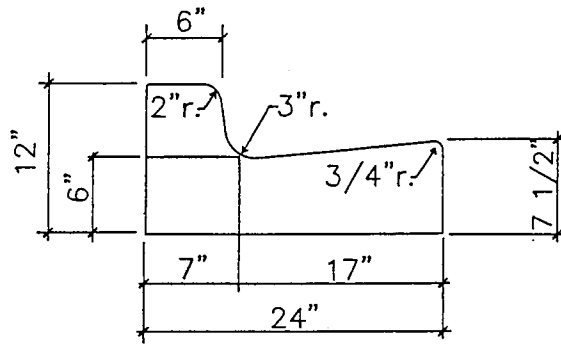
- A) Proper maintenance will preserve and enhance the quality of the landscape.

- B) Included in the maintenance schedule should be the time periods for the following; the checking, adjusting and repairing of the irrigation system, resetting of the irrigation schedule according to the season, remulching, fertilizing, weeding and pruning.

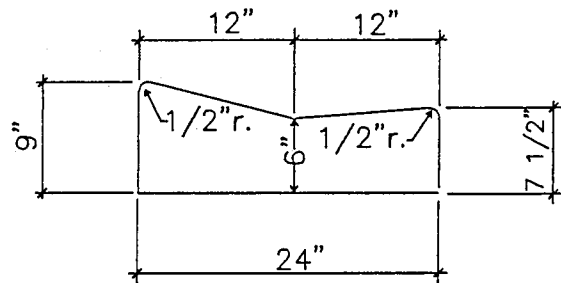
a) Plan Requirements

In addition to the requirements for Landscape Plan submittals under the Site Development Plan Regulation, the following items will be required as a part of the submittal when water-efficient landscaping is used:

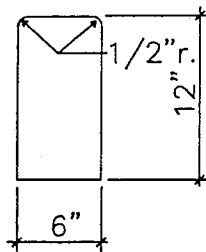
- 1) Indicate the water zone requirements,
- 2) Indicate all areas of the site to be preserved,
- 3) Indicate all turf areas,
- 4) A maintenance schedule.



STANDARD CURB & GUTTER



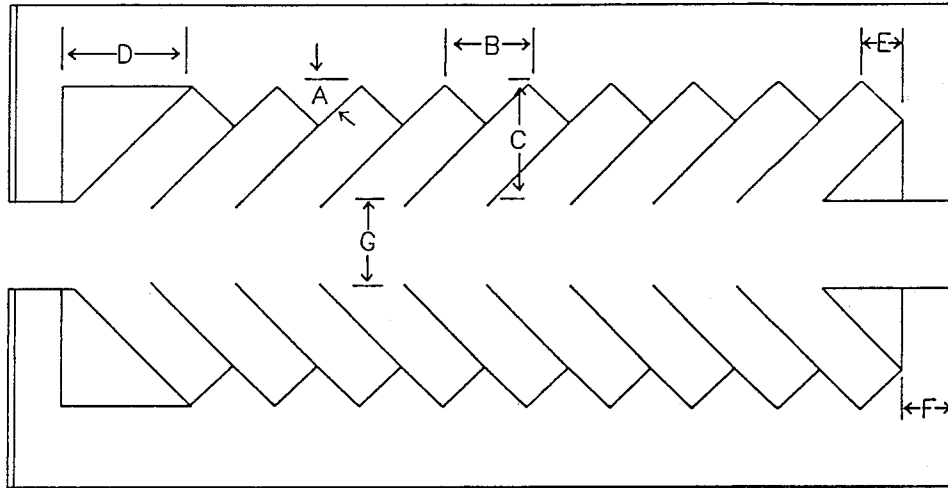
MIAMI CURB & GUTTER



VERTICAL CURB  
(RURAL SECTION ONLY)

**CURB TYPE EXHIBIT**

ALL DIMENSIONS ARE BASED ON PARKING STALL SIZE OF 200 sq. ft.  
(10' X 20')



TABLE

A PARKING ANGLE	B CURB LENGTH	C STALL DEPTH	D STARTING LOSS	E LAST CAR REQUIREMENT	F LANDSCAPE STRIP*	G AISLE WIDTH MINIMUM	
30°	20'	18.66'	32.32'	5.00'	5'	12'	24'
45°	14.14'	21.21'	21.21'	7.07'	5'	12'	24'
60°	11.55'	22.32'	12.88'	8.66'	5'	17'	24'
90°	10'	20'	5' MIN.	10'	5'	24'	24'

\*MINIMUM AS MEASURED FROM R/W AND/OR PROPERTY LINE; ONE WAY | TWO  
A WIDER STRIP MAY BE REQUIRED BY THIS ORDINANCE. SEE WAY | WAY  
LANDSCAPE ORDINANCE FOR FURTHER BUFFERS.

## PARKING STANDARDS