

**FRUITLAND PARK LOCAL PLANNING AGENCY MEETING
AGENDA**

January 27, 2022

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

As soon as practical at 6:15 p.m.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES** (city clerk)
August 26, 2021 LPA meeting.

PUBLIC HEARING

- 4. Quasi-Judicial Public Hearing – Ordinance 2022-001 LDRs** (city attorney/city manager/community development director)
AN ORDINANCE OF THE CITY OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, AMENDING AND RESTATING THE LAND DEVELOPMENT CODE OF THE CITY OF FRUITLAND PARK CONSISTING OF CHAPTERS 150 THROUGH 169, INCLUSIVE; RENAMING ZONING CATEGORIES; ADOPTING A NEW ZONING CODE AND ZONING MAP; RETAINING THE VILLAGES OF FRUITLAND PARK LAND DEVELOPMENT REGULATIONS CONTAINING CHAPTERS 150 THROUGH CHAPTER 167, INCLUSIVE, AND APPENDIX 1 THROUGH 4, INCLUSIVE; PROVIDING FOR CONFLICTS, CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

END OF PUBLIC HEARING

- 5. UNFINISHED BUSINESSES**
- 6. PUBLIC COMMENTS**
This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the Local Planning Agency at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the

public shall be given a reasonable opportunity to be heard on propositions before the Local Planning Agency. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the Local Planning Agency addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

7. OTHER BUSINESS

8. 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.

**CITY OF FRUITLAND PARK
LPA AGENDA ITEM SUMMARY SHEET
Item Number: 3**

ITEM TITLE: Draft LPA Meeting Minutes
For the Meeting of: January 27, 2022
Submitted by: City Clerk
Date Submitted: January 20, 2022
Funds Required: None
Account Number:
Amount Required: N/A
Balance Remaining: N/A
Attachments: Draft meeting minutes

Item Description: August 26, 2021 LPA Minutes

Action to be Taken: Approve the meeting minutes as submitted, if there are no corrections.

Staff's Recommendation: Approval

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

**FRUITLAND PARK LOCAL PLANNING AGENCY
DRAFT MEETING MINUTES
August 26, 2021
6:15 p.m.**

A regular meeting of the Fruitland Park Local Planning Agency was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, August 26, 2021 at 6:15 p.m.

Members Present: Mayor Chris Cheshire, Commissioners Chris Bell, Patrick DeGrave, and John Mobilian.

Members Absent: Vice Mayor John L. Gunter, Jr. and Non-Voting Member School Board Member District 2 Dr. Kristi Burns

Also Present: City Attorney. Anita Geraci-Carver, City Treasurer Jeannine Racine; Police Chief Erik Luce, Public Works Director Robb Dicus; Community Development Director Dwyane Williams; Human Resources Director Jabari Hopkins, Lake County Fire Rescue Firefighters Eric Batista and Adrian Raygoza and City Clerk Esther B. Coulson.

1. CALL TO ORDER

Mayor Cheshire called the meeting to order.

ACTION: 6:12.15 p.m. No action was taken.

2. ROLL CALL

At Mayor Cheshire's request, Ms. Coulson called the roll and a quorum was declared present.

ACTION: 6:12:28 p.m. No action was taken.

3. APPROVAL OF MINUTES

June 10, 2021 LPA minutes.

ACTION: 6:12:39 p.m. **On motion of Commissioner Bell, seconded by Commissioner DeGrave and unanimously carried, the LPA approved the June 10, 2021 LPA meeting minutes as submitted.**

QUASI-JUDICIAL PUBLIC HEARING

First Reading and Quasi-Judicial Public Hearing – Ordinance 2021-010 Private Property Rights Element – Comprehensive Plan Amendment

After Ms. Geraci-Carver read into the record the title of proposed Ordinance 2021-010, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, STATE OF FLORIDA, PURSUANT TO THE PROVISIONS OF FLORIDA STATUTE 163.3184; AMENDING THE CITY'S COMPREHENSIVE PLAN; ADDING AND ADOPTING, PRIVATE PROPERTY RIGHTS ELEMENT OF THE COMPREHENSIVE PLAN; DIRECTING THE CITY CLERK TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

After much discussion, there were no members of the public to address the proposed ordinance.

ACTION: 6:12:53 p.m. A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the LPA approve the recommendation of approval on Ordinance 2021-010, as previously cited.

Mayor Cheshire called for a vote on the motion and declared it carried unanimously.

END OF QUASI-JUDICIAL PUBLIC HEARING

6. UNFINISHED BUSINESSES

There was no unfinished business to come before the LPA at this time.

ACTION: 6:18:08 p.m. No action was taken.

7. PUBLIC COMMENTS

There were no public comments at this time.

ACTION: 6:18:07 p.m. No action was taken.

8. OTHER BUSINESS

There was no other business to come before the LPA at this time.

ACTION: 6:18:13 p.m. No action was taken.

9. ADJOURNMENT

The meeting adjourned at 6:18 p.m.

The minutes were approved at the January 27, 2022 meeting

Signed _____
Esther B. Coulson, MMC City Clerk

Signed _____
Chris Cheshire, Mayor

CITY OF FRUITLAND PARK
LPA AGENDA ITEM SUMMARY SHEET
Item Number: 6

ITEM TITLE: Public Hearing - Ordinance 2022-001 – Amending and Restating the Land Development Code of the City of Fruitland Park Consisting of Chapters 150 through 169; Renaming Zoning Categories

For the Meeting of: January 27, 2022

Submitted by: City Attorney/City Manager/Community Development Director

Date Submitted: January 4, 2022

Funds Required: No

Attachments: Proposed Ordinance 2022-001, location map, zoning map and newspaper advertisement/affidavit.

Item Description: **Proposed Ordinance 2022-001 Amending and Restating the Land Development Regulations(s)** consisting of Chapters 150 through 169; renaming zoning categories; adopting a new zoning code and zoning map.

Action to be Taken: Recommend approval of Ordinance 2022-001.

Staff's Recommendation: Approval

Additional Comments: Approved at the December 16, 2021 P&Z Board Meeting

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2021-001

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, AMENDING AND RESTATING THE LAND DEVELOPMENT CODE OF THE CITY OF FRUITLAND PARK CONSISTING OF CHAPTERS 150 THROUGH 169, INCLUSIVE; RENAMING ZONING CATEGORIES; ADOPTING A NEW ZONING CODE AND ZONING MAP; RETAINING THE VILLAGES OF FRUITLAND PARK LAND DEVELOPMENT REGULATIONS CONTAINING CHAPTERS 150 THROUGH CHAPTER 167, INCLUSIVE, AND APPENDIX 1 THROUGH 4, INCLUSIVE; PROVIDING FOR CONFLICTS, CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission is authorized pursuant to Chapter 163 and Chapter 166, Florida Statutes to adopt this ordinance; and

WHEREAS, a city is required to amend and enforce land development regulations that are consistent with and implement the adopted comprehensive plan; and

WHEREAS, City Commission has adopted a comprehensive plan and desires to amend its land development regulations, rename zoning categories, and adopt a new zoning map that will continue to be consistent with the City's adopted comprehensive plan as amended; and

WHEREAS, the planning and zoning board, who also performs the functions of a local planning agency, has considered this ordinance at a public meeting, and has found it to be consistent with the City's Comprehensive Plan as amended; and

WHEREAS, the City Commission has considered this ordinance at two public hearings, and has found it to be consistent with the City's Comprehensive Plan as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, as follows:

SECTION 1. The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this ordinance.

SECTION 2. The Land Development Code of the City of Fruitland Park, Florida, is amended and restated and shall hereafter read as set forth in the Land Development Code, a copy of which is attached hereto.

SECTION 3. The zoning map, a copy of which is attached hereto, is hereby adopted.

SECTION 4. Retain. The Villages of Fruitland Park Land Development Regulations containing Chapters 150 through 167, inclusive, and Appendix 1 through 4 are retained and are not repealed.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

SECTION 6. It is the intent of the City Commission of the City of Fruitland Park that the provisions of this ordinance shall be codified; and grants authority to the codifier to renumber or re-letter sections, and

change the words in this ordinance to section, article, chapter or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Commission of the City of Fruitland Park that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Commission would have enacted the valid constitutional portions thereof.

SECTION 8. The provisions within this ordinance shall take effect in accordance law.

ADOPTED AND APPROVED this _____ day of _____, 2022, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

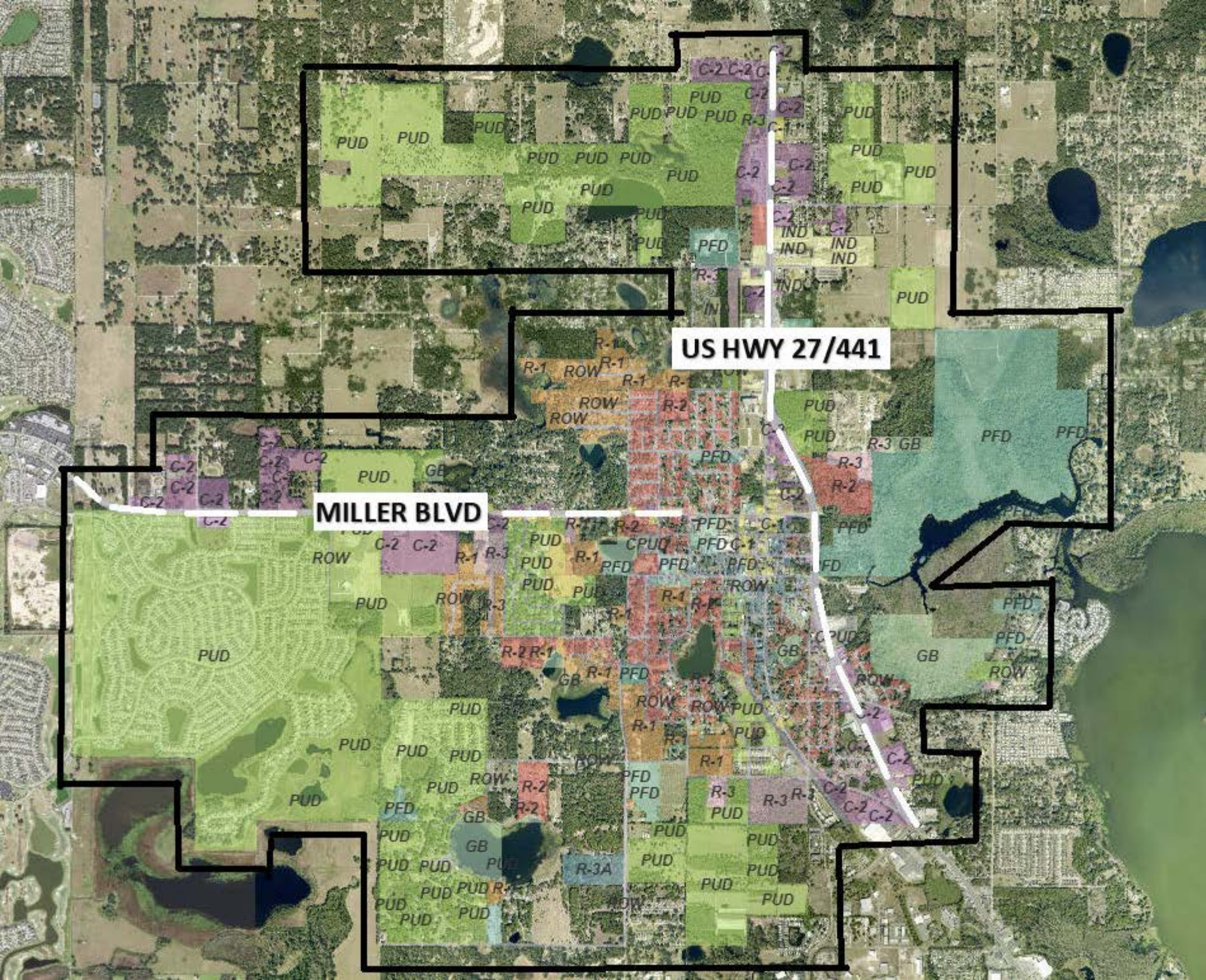
ATTEST:

ESTHER COULSON, CITY CLERK, MMC

Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner DeGrave	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Mobilian	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Approved as to form:

Anita Geraci-Carver, City Attorney



US HWY 27/441

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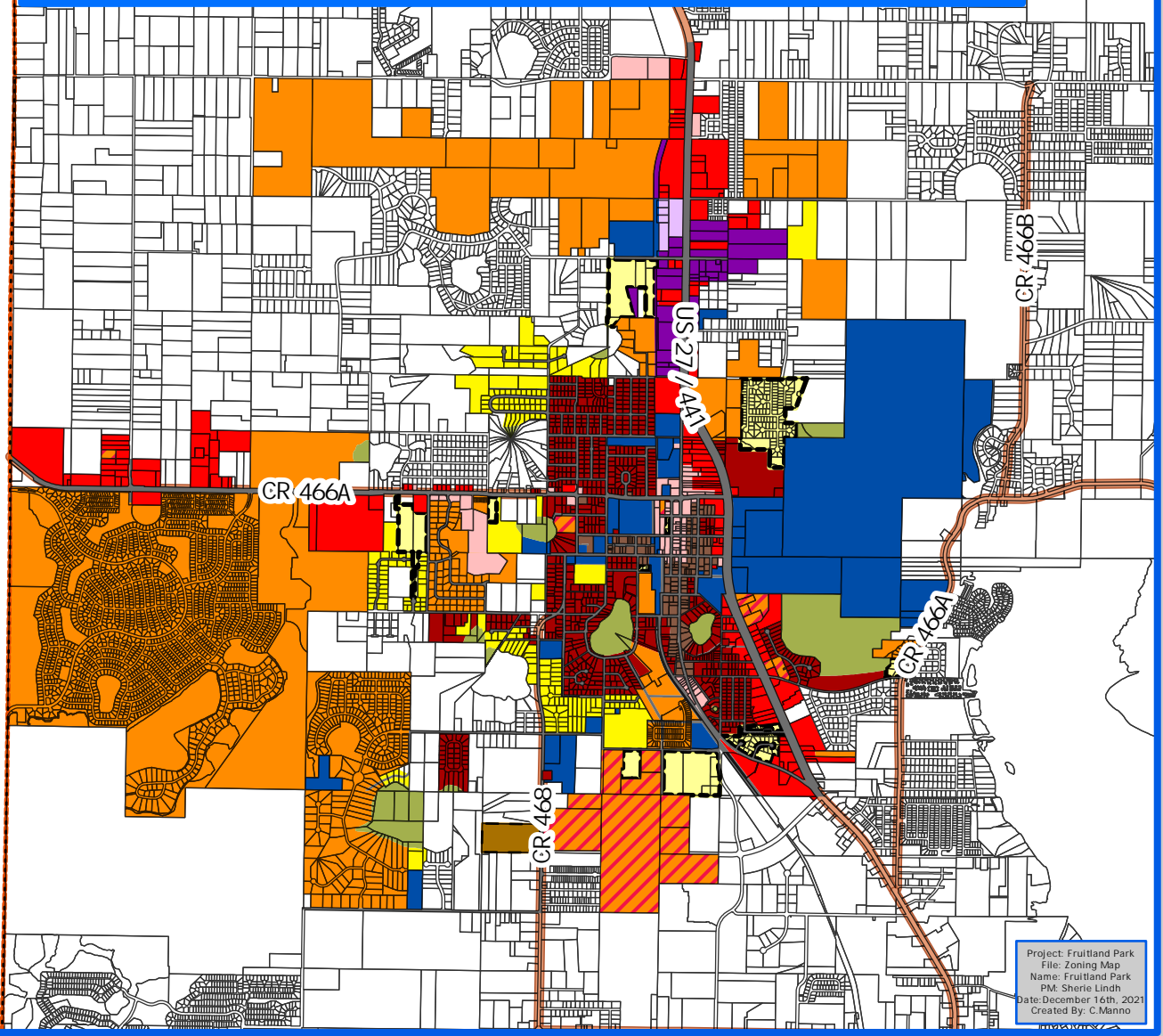
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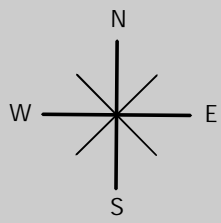
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 Lake County Boundary	 C-2, General Commercial
 Lake County Parcels	 IND, Industrial
City of Fruitland Park Zoning	
 R-2, Residential Single Family Home - Low Density	 PUD, Planned Unit Development
 R-4, Residential Single Family Home - Medium Density	 CPUD, Commercial Planned Unit Development District
 R-3A, High Density Residential/Neighborhood Commercial	 MPUD, Mixed Use PUD
 R-8, Multi-Family Residential- Low Density	 IND-PUD, Industrial PUD
 R10, Multi-Family - Medium Density	 PFD, Public Facilities District
 R-15, Multi-Family Residential - High Density	 GB, Green Belt District
 RP, Residential Professional	 ROW, Right-of-Way
 C-1, Neighborhood Commercial	 Major Roads



Project: Fruitland Park
 File: Zoning Map
 Name: Fruitland Park
 PM: Sherie Lindh
 Date: December 16th, 2021
 Created By: C. Manno



Fruitland Park

Zoning Map Lake County, FL



Urban & Regional Planners, Inc.
 1162 CAMP AVENUE - MT. DORA, FL 32757
 (352)385-1940 / FAX (352)383-4824

CHAPTER 150

GENERAL PROVISIONS

SECTION 150.010: **TITLE**

Chapter 150 through 1698, inclusive, shall be entitled the “Land Development” Code of the City of Fruitland Park, Florida”, otherwise known as the “Land Development Regulations.”

SECTION 150.020: **AUTHORITY**

This Land Development Code is enacted pursuant to the requirements and authority of Section 163.3202, Florida Statutes, (the Local Government Comprehensive Planning and Land Development Regulation Act), the City and the general powers in Chapter 166, Florida Statutes.

SECTION 150.030: **PURPOSE AND INTENT**

The City has developed this unified land development code to implement the Comprehensive Plan and to streamline the development review process. The Land Development Code sets forth regulations, requirements and procedures governing the use and development of land for the purpose of protecting the health, safety and general welfare of the citizens of the City and to enhance the appearance, function and livability of the City, to the end of improving the overall quality of life within the community.

As required by Chapter 163.3202, Florida Statutes, the Land Development Code contains specific and detailed provisions which regulate the subdivision of land; the use of land and water; areas subject to flooding; environmentally sensitive lands; signage; stormwater management and protection of potable water wellfields. The Land Development Code also requires that all developments be reviewed for impact on public facilities and services, and that adopted levels-of-service be maintained.

SECTION 150.040: **CONSISTENCY WITH COMPREHENSIVE PLAN**

The Land Development Code incorporates new authorizations, requirements and regulations to implement the objectives and policies of the Comprehensive Plan, and to ensure that all land development activities within the City are consistent with and further the goals, objectives, policies, land uses, densities and intensities in the City’s Comprehensive Plan.

It is recognized however, that situations may arise in the daily administration and enforcement of the Land Development Code whereby strict interpretation and enforcement of the Code may be contrary to the goals, objectives and policies of the Comprehensive Plan. Such situations may arise due to changes in land development priorities or economics, new issues which were not anticipated at the time Land Development Code was drafted and adopted, or the inability

to meet competing goals through a single action. In these situations, the goals and policies of the Comprehensive Plan shall take precedence, and the Development Code shall be interpreted and administered consistent with the overall goals, objectives and policies of the Comprehensive Plan as interpreted by the City Commission, until such time that the Code and/or Comprehensive Plan can be amended to resolve any conflict.

SECTION 150.050: **JURISDICTION**

The provisions of the Land Development Code shall apply to all development of land within the corporate limits of the City of Fruitland Park, Florida, as now or hereafter defined, and within all areas under jurisdiction of the City for land use planning and development control as specified in any applicable interlocal planning agreements.

SECTION 150.060: **GENERAL INTERPRETATION**

In the interpretation and administration of the Land Development Code, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the City; and
- c) Deemed neither to limit nor ~~appeal~~ repeal any other powers granted under state statutes.

SECTION 150.070: **DELEGATION OF AUTHORITY**

Whenever a provision appears requiring the Administrative ~~Official~~ Officer, the head of a department or some other City officer or employee to perform an act or duty, it is to be construed to authorize delegation to subordinates to perform the required act or duty, unless the terms of the provision specify otherwise, or such delegation would be contrary to the spirit and intent of the Land Development Code.

SECTION 150.080: **RELATIONSHIP OF SPECIFIC TO GENERAL PROVISIONS**

More specific provisions of the Land Development Code shall be followed in lieu of more general provisions which may be more lenient than, or in conflict with the more specific provision.

SECTION 150.090: **CONFLICTING LANGUAGE OR PROVISIONS**

In the case of conflict with the Land Development Code or between the Land Development Code and other codes or ordinances, the language or provision which is most restrictive or imposes the highest standard shall apply.

SECTION 150.100: SEVERABILITY

If any provision of the Land Development Code or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Code which can be given effect without the invalid provision or application, and to this end the provisions of the Land Development Code are declared severable.

~~*SECTION 150.110: REPEALER~~

~~Moved to Section 1 or Ordinance #92-005.~~

~~*SECTION 150.120: EFFECTIVE DATE~~

~~Moved to Section 21 of Ordinance #92-00~~

CHAPTER 151

DEFINITIONS AND INTERPRETATIONS

SECTION 151.010: **INTERPRETATIONS OF CERTAIN TERMS AND WORDS**

- a) The singular includes the plural and vice versa.
- b) The masculine includes the feminine and neuter and vice versa.
- c) The present tense includes the future.
- d) The word “shall” is mandatory and the word “may” is permissive.
- e) The word “person” includes an individual, child, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation and all other groups or combinations.
- f) The word “writing” includes handwriting, printing, typewritten and all other methods and means of forming letters and characters upon paper.
- g) The word “lot” includes the words parcel of land, plot or tract.
- h) The word “land” includes the words water, marsh, swamp, gross land area, and gross acres of land.
- i) The word “street” includes words avenue, highway, road, boulevard, land, thoroughfare, easement, public right-of-way, private right-of-way, or other similar words.
- j) All words and terms defined in any Code adopted by reference are hereby incorporated in the Land Development Code. However, if a word is also defined in the Land Development Code, the Land Development Code definition shall apply in all cases except when interpreting the referenced Code.
- k) All words not defined in the Land Development Code shall carry their customary meaning.

SECTION 151.020: **DEFINITIONS**

ABANDON – To cease actively using a structure. In making the determination that a structure has been abandoned, non-use of a structure for six (6) consecutive months shall be prima facie evidence for abandonment. The Enforcement Official shall consider the existence or absence of a current ~~occupational license~~ business tax receipt, utility service deposit or account, use of premises, and relocation of the use, so that temporary or short term interruption to an activity shall not be subject to inclusion under this term.

ABANDONED SIGN – (a) Any sign face which advertises a business no longer conducted or product no longer sold. In making the determination that a sign advertises a business no longer being conducted, the City shall consider the existence or absence of a current ~~occupational license~~ business tax receipt, utility service deposit or account, use of the premises and relocation of the business; (b) any sign structure which has not been used for business purposes for over six (6) months, that is nonconforming as to existing codes

regarding height, setback of sign area; and (c) any previously permitted portable or temporary sign for which the permitted time has expired.

ABUTTING PROPERTY – Any property that is immediately adjacent or contiguous to property or that is located immediately across any road or public right-of-way or immediately across any water body.

~~**ACCESSORY BUILDINGS** – A structure housing to use subordinate or incidental to the principal use. An accessory building may not exceed fifteen (15) percent of the total living area of the principal use and may not house pets or humans.~~

ACCESSORY STRUCTURE – A subordinate structure or portion of the principal structure, the use of which is incidental to the main use of the premises.

ACCESSORY USE – A use which is incidental to the principal use of the premises.

ACCESSORY DWELLING UNIT - living quarters that may house non-paying guests or family members and may either be attached to the principal structure, detached or an apartment within the principal structure. Accessory dwelling units may not be rented or sold.

ADMINISTRATIVE ~~OFFICIAL~~ OFFICER– The municipal official appointed by the City Manager to administer the Land Development Code.

ADULT CARE CENTER – A caretaking arrangement, whether operated for profit or not, where care is provided for a part of the 24 hour day to 3 or more adults that are unrelated by blood or marriage to the owner/operator of the facility. This care may include, but is not limited to, providing a protective setting, social activities, leisure time activities, self-care training, rest, nutritional services, and speech and physical therapy. Such a facility must be licensed by the Florida Department of Health and Rehabilitative Services, in accordance with Section ~~400.55~~ 429.90 of the Florida Statutes.

ADULT ENTERTAINMENT ESTABLISHMENT – An establishment where a substantial portion of the stock-in-trade and/or presentation time offered for any form of consideration, are devoted to materials which are distinguished or characterized by the emphasis in depicting, describing, or relating sexual matters from which minors would be excluded by virtue of their age, pursuant to Sections 847.012, 847.0125 and 847.013 of the Florida Statutes. This term may include, but not be limited to, adult bookstore, adult cabaret and adult theater.

ADULT/VOCATIONAL EDUCATION ESTABLISHMENT – An establishment for the instruction or guidance in an occupation, profession, civic activity or art form, and may include, but not limited to, the teaching of a trade apprenticeship, acting-drama, citizenship, cooking, music and voice.

AGRICULTURE: (FIELD CROPS/WHOLESALE NURSERY) - The science, art, or practice of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation and marketing of the resulting products.

~~**AGRICULTURE: FIELD CROPS/WHOLESALE NURSERY** – The production, keeping or maintenance for sale, lease, or personal use, of plants useful to man, and may include, but not limited to, forage and sod crops, grain and seed crop, fruits of all kinds, vegetables, and nursery, floral, ornamental and greenhouse products.~~

~~**AGRICULTURE: PROCESSING/HATCHERIES** – The production, keeping, maintenance, or processing, for sale, lease, or personal use, of animals and plants useful to man, and may include, but not be limited to, dairy animals and dairy products, grain mills, poultry and poultry products.~~

AIR GAP – The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood-level rim of the receptacle.

ALLEY – A public or private way which is not designed for general travel but is used primarily as a means of secondary access to a lot abutting thereon.

ALTERATION – Any change in a building’s structural parts, stairways, type of construction, kind of class of occupancy, means of ingress and egress, wiring, plumbing, heating or cooling system, and other changes affecting or regulated by the City of Fruitland Park Building Codes or this Land Development Code, except minor changes or repairs not involving the aforesaid features. The word alteration may include, but not be limited to, the words alternated, repaired, modification to construction or reconstructed.

ALTERED WETLANDS – Wetlands which have been substantially affected by man, but which continue to be dominated by wetland or transitional vegetation.

APPEAL – A request for a review of the City of Fruitland Park’s interpretation of any provision of the Land Development Code or an appeal of a denial of a variance.

APPLIANCE/ELECTRONIC REPAIR SHOP – A retail establishment offering for sale the repair services of small appliances and electronic equipment, with such repair generally occurring on the premises.

AREA OF SHALLOW FLOODING – A designated AO or VO Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD – The land in the floodplain within a community

subject to 1% or greater chance of flooding in any given year. The land area covered by the floodwaters of the base flood and the area where floodplain management regulations must be enforced. (FEMA)

ASSISTED LIVING FACILITIES - any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, regardless of whether operated for profit, which through its ownership or management provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

ATHLETIC/SPORTS FACILITY – A site or building where competitive athletic pursuits are carried out, generally on a scheduled basis through direct participation. ~~This type of facility may include, but not be limited to, golf course, golf driving range, handball and racquetball courts, swimming club and tennis club.~~

AUCTION ~~HOUSE BUSINESS~~ – Land or a building where items are sold to the highest bidder. Such activity could be private or public and may include, but not be limited to, the sale of antiques, art and jewelry.

AUXILIARY SUPPLY – Any water source or system other than the potable water supply that may be available in the building or premises.

~~**AWNING** – A roof like cover, securely fastened on one side or end to a building, and the balance of which extends over or before a place (as a walkway or before a window) as a shelter and whose bottom edge is at least seven (7) feet above the highest grade level beneath it. An architectural projection that provides weather protection, identify or decoration and is partially or wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached. An awning may be fixed or moveable, cantilevered, or otherwise entirely supported from a building.~~

AWNING/ILLUMINATED – A structure, as described above, which is illuminated from the reverse side with artificial light emanating from a minimum 800 milliamp high outpost florescent fixture, to the extent that such artificial light is visible through to the exterior.

BACKFLOW – The flow of water or other liquids, mixtures, or substances into the distributing pipes or a potable water supply from any source or sources other than the potable water supply's intended source.

BACKFLOW PREVENTER – A device or means to prevent backflow.

BACKSIPHONAGE – Backflow resulting from negative pressures in the distributing pipes of a potable water supply.

BANNER – Any sign with characters, letters, illustrations, or ornamentation applied to cloth, paper, or fabric of any kind that is not permanently attached to a solid backing of wood, plastic, metal, masonry, or similar rigid material. A flag shall not be considered a banner.

BAROMETRIC LOOP – A loop of pipe rising at least 35 feet, at its topmost point, above the highest fixture it supplies.

BASE FLOOD – The flood having a 1% chance of being equaled or exceeded in any given year.

BARS, LOUNGES AND NIGHT CLUBS – An establishment devoted primarily to the selling, dispensing, serving or providing of alcoholic beverages for consumption on the premises, including establishments where dancing or floor shows may be permitted. The term bars, lounges and night clubs may include, but not be limited to, the terms barroom, cabaret, cocktail lounge, discotheque, pub, saloon, and tavern, but shall not include those premises where alcoholic beverages are sold in conjunction with the sale of food for consumption on the premises, and the sale of said beverages comprises less than 49% of the gross receipts.

BASEMENT – That portion of a building having its floor subgrade (below ground level) on at least three sides.

BED AND BREAKFAST INN – A single-family detached residential dwelling unit, and accessory structures buildings thereof existing as of September 11, 1997 which were pre-existing as of December 31, 1940, where short-term lodging and at least one meal is provided. The owner-owner or manager of the inn shall live in the primary dwelling unit on the property. Further, bed and breakfasts are classified as follows:

- a) *Small Homestay* – A single-family detached residential unit and related accessory building-structure totaling at least 1800 square feet of heated space with three bedrooms, only one (1) two (2) of which is to be used as a guest room.
- b) *Medium Homestay* – A single-family detached residential unit and related accessory building-structure totaling at least 2400 square feet of heated space with four bedrooms, only two (2) three (3) of which are to be used as guest rooms.
- c) *Large Homestay* – A single-family detached residential unit and related accessory building-structure totaling at least 3000 square feet of heated space with five bedrooms, only three (3) four (4) of which are to be used as guest rooms. Large homestay is also a single family detached residential unit and related accessory building totaling at least 3000 square feet of heated space with 6 bedrooms, only four (4) five (5) of which are to be used as guest rooms.

BEST MANAGEMENT PRACTICES – Design, construction, operation, or maintenance techniques for stormwater pollution control, which have been developed by the SJRWMD.

BOARDWALK – An elevated structure made of boards usually placed over land or wetlands.

BREAKAWAY WALL – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BUILDABLE AREA – That portion of a lot remaining after required building setbacks have been established in the lot front, rear and side yards.

BUILDING – Any structure used or intended for supporting or sheltering any use or occupancy.

~~built for support, shelter, or enclosure for any occupancy or storage.~~

BUILDING AREA – The area included within surrounding exterior walls (or interior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

BUILDING COVERAGE – That portion of a lot which is occupied by principal and accessory structures ~~buildings~~.

BUILDING FRONTAGE – The face of the building meeting front setback requirements towards the principal road, street, highway or easement serving the building.

BUILDING HEIGHT – The vertical distance from grade plane to the average height of the highest roof surface. ~~The vertical distance measured from the proposed finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to average height level between eaves and ridge for gable, hip and gambrel roofs.~~

BUILDING PAINTING/MURAL – A painting, drawing, or image applied to an external wall which is considered generic art and does not graphically depict a business related product or service. Any business related wording or graphics in the painting, drawing, or image shall be considered signage and, as such, shall require zoning authorization.

BUILDING SETBACK – The minimum required distance a building must be set back from the property line, as measured perpendicular to the property line, or from mean high water along rivers, lakes, or other water bodies.

BUILDING SETBACK LINES – The lines established by setback requirements beyond which no principal building shall extend.

BULKHEAD – A man-made wall or encroachment, parallel to the shoreline, made to protect the shore from erosion and to retain the earth or fill behind it.

BUSINESS SERVICE – An establishment where the performance of duties related to business operations are provided within or outside of the confines of such an establishment and may include, but not limited to, business machine repair, computer service and repair, microfilming, secretarial and typing service and telephone answering service.

BUSINESS TAX RECEIPT – the legal document issued by the local governing authority which bears the words “Local Business Tax Receipt” and demonstrates evidences that the person in whose name the document is issued has paid the taxes it needs to operate and maintain a business license in good standing for a given tax year.

CALIPER – The minimum trunk diameter of a replacement tree as measured at a predetermined point measurement. Trunk diameter for trees up to 4 inches are to be measured 6 inches above the soil line. All trees over 4 inches in diameter will be measured 12 inches above the soil line.

CARPORT – An attached or freestanding structure primarily used to shelter motor vehicles, having a roof structure supported by two or four posts or a combination of posts and wall structure and having no method of enclosing the structure.

CEMETERY – Land where burial of the deceased occurs, whether persons or pets. This term shall include mausoleums where they are within the boundaries of a cemetery.

CHANGEABLE COPY SIGNS – A sign which has letters, numbers, symbols or other characters which can be manually attached to or removed from the face of the sign, without altering the face or structure of the sign. Such signs are sometimes referred to as Reader Boards.

CHANGE OF OCCUPANCY – A discontinuance of an existing use and the substitution of a different kind of class of use. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change of use.

CHANGE OF USE – When a building or land is changed from one class of use to another class of use, for example residential to commercial, commercial to industrial. A change of use can occur within the same use class for example from office to retail commercial or retail commercial to restaurant.

CHECK VALVE – A self-closing device that is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

CHILD CARE CENTER – An arrangement or establishment which provides child care for more than 5 children unrelated to the operator, for compensation, and for a period of less than 24 hours. Such a facility must be licensed by the Florida Department of Health and Rehabilitative Services and comply with their requirements, pursuant to Section 402.305 of the Florida Statutes. This term may include, but not be limited to, day-care center, day-care services, day nurseries, kindergartens, nursery school, play-school and preschool.

CITY – City of Fruitland Park, [a Florida municipality.](#)
~~[Florida, an inhabited place of greater size, population, or importance than a town or village.](#)~~

CLEARING – The removal of any trees or vegetation from the land, but shall not include mowing of lawn and field grass. [A tract of land cleared of wood and brush.](#)

CLUBS, LODGES AND FRATERNAL ORGANIZATIONS – A building or facility owned or operated by a corporation or association for a social, education, civic or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

COMMERCIAL/INDUSTRIAL EQUIPMENT AND SUPPLIES – An establishment which offers the wholesale or retail sale or rental of goods and merchandise used in commerce or industry, and not generally purchased by the individual consumer, and may include, but not be limited to, air or gas compressors, backhoes, bricks, chemicals, food processing equipment, hoists, manufactured building components, medical supplies, traffic signs, valves, and waterproofing material.

COMMERCIAL/INDUSTRIAL SERVICE – An establishment which provides work performance related to commerce and industry, and may include, but not be limited to, linen supply, machine shop, medical waste removal service, publishing plant, screen printing, tool and die shop and welding.

COMMERCIAL/INDUSTRIAL WAREHOUSE – A building used primarily for the dead space storage of goods and materials used by or in association with commerce and industry.

COMMERCIAL PARKING – An area where vehicles, including, but not limited to, automobiles, trucks, recreational vehicles or boats are parked for storage within the appropriate zoning district, [where fees may or may not be charged. Commercial parking is not the overnight parking of commercial vehicles associated with the on-site business. The parking of commercial vehicles associated with the on-site business is allowed in the](#)

following zoning districts: RP, C-1, C-2, Industrial, Mixed Use – PUD in any C-1 uses therein. Commercial – PUD, and Industrial PUD.

COMMERCIAL STABLE – A facility where horses are boarded and cared for and may include, but not be limited to, the provision of horses for instruction of riding, jumping, and showing, and the hiring to the public of riding horses for a fee.

COMMUNITY RESIDENTIAL HOMES – A dwelling unit providing a living environment for 1-6 or 7-14 residents that have no family to live with or are in need of assistance with daily living and who operate as the functional equivalent of a family. Supervision and care by support staff may be necessary to meet the physical, emotional and social needs of the residents. These facilities are licensed by the Florida Department of Health and Rehabilitative Services and include adult congregate living facilities, residential treatment facilities – levels II and IV, residential child care agency facility, intermediate care facility for the mentally retarded/developmentally disabled, foster care facility, and group homes pursuant to Chapter 419 of the Florida Statutes.

COMPREHENSIVE PLAN – The “City of Fruitland Park Comprehensive Plan Update” adopted by the City Commission in Ordinance 91-016, and amendments thereto in compliance with the requirements of the ~~Local Government Planning and Local Development Regulation Act~~, Community Planning Act Chapter 163, Florida Statutes.

CONGREGATE LIVING FACILITY – A residential facility, for more than 3 persons unrelated to the owner, where shelter and services are provided and may include meals, housekeeping, and personal care assistance. Residents shall not be under in-house nursing/medical care. This term shall include, but not be limited to, adult congregate living facility, child care agency facility, community residential home, drug and alcohol treatment facility, and shelters for the abused and unwed mothers.

CONSERVATION EASEMENT – A right or interest in real property which is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants or wildlife; or maintaining existing land uses; and which prohibits or limits the activities described in Section 704.06, Florida Statutes.

CONSTRUCTION CONTRACTOR’S YARD AND STORAGE – Land or building where construction materials are kept in association with such contracting businesses and may include, but not be limited to, air conditioning and heating, aluminum, building construction, hauling, machine construction, roofing, solar energy systems, utility system installation and wall covering.

CONSTRUCTION SIGN – A sign announcing and identifying the construction project scheduled or underway on the site where the sign is located.

CONSTRUCTION REAL ESTATE SIGN – A construction sign, as described above, which also advertises the real property where the sign is located for sale, lease or rent.

CONSTRUCTION, START OF – When any site alteration is made, including, but not limited to, batter board layout, or forming, in contemplation of further work, or any structure or construction materials are permanently placed or incorporated into any site.

CONVENIENCE STORE – An establishment which offers for sale a limited line of food and household goods and is designed for quick service to customers with small purchases. Such an establishment may or may not offer for sale fuel by way of self-service gasoline/diesel pumps or LP gas tanks.

CREMATORIUM – An establishment in which a deceased body is reduced to ashes in a furnace. This type of facility must be licensed with the Florida Department of Professional Regulation and meet the criteria of the Florida Department of Health and Rehabilitative Services and the Florida Department of Environmental Protection, pursuant to Section [470.025 497](#) of the Florida Statutes.

CRITICAL HABITAT – Habitat which if lost would result in elimination of listed species or individuals from the area in question. Critical habitat typically provides functions for the listed species during restricted portions of that species life cycle. Habitat includes the place or type of site where a species naturally or normally nests, feeds, resides, or migrates, including for example, characteristic topography, soils and vegetative cover.

CROSS CONNECTION – Any physical connection between a potable water supply and any waste pip, soil pipe, sewer, drain, or any unapproved source or system. Furthermore, it is any potable water supply outlet that is submerged or can be submerged in wastewater or any other source of contamination.

CULTURAL FACILITY – Land, a building, or a group of buildings which affords the pursuit of arts, letters, manners, professional and scholarly matters, any may include, but not limited to, an auditorium, convention/lecture hall and museum.

DENSITY – The total number of dwelling units per acre within a project site.

DEVELOPER – Any person who engages in or proposes to engage in a development either as the owner or as the agent of an owner of property.

DEVELOPMENT – Any significant man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, permanent storage of materials, or the dividing of

land into two or more parcels. Development includes, but is not limited to the following:

- a) A reconstruction, alteration of the size, or structural change in the external appearance of a structure on land.
- b) A change in density or intensity of use of the land, such as an increase in the number of dwelling units in a structure or on land or, a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units or on the land as may be determined by the local government.
- c) Alteration of a shore or bank of a river, stream, lake, pond, canal or stormwater ~~management facilities~~[management facility](#).
- d) Mining or excavation on a parcel of land.
- e) Demolition or removal of a structure.
- f) Clearing of land as an adjunct of construction.
- g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
[and as defined in F.S. 380.04.](#)

DIAMETER AT BREAST HEIGHT (DBH) – The trunk diameter of a tree measured 4½ feet above the average ground level at the base of the tree. Provided, however, if the tree forks 4½ feet above ground level, it is measured below the swell resulting from the double stem. Stems that fork below 4½ feet above the ground level should be considered separate trees.

DIRECTIONAL SIGN – Any sign used to indicate the direction to entrances, exits, parking areas, restrooms, drive-through facilities or other non-business related facilities on site.

DIRECTORY SIGN – A sign which gives the names of the businesses or individuals located in the building or complex where it is located. A directory sign shall be of a unified design and common material, and shall allow for a uniform size sign for each business or unit of space in the development. Directory signs shall be limited to the name and type of business and its location within the building or complex.

DOCK – A fixed or floating structure, including moorings, used for the purpose of harboring boats.

DOUBLE FACED SIGN – A sign with two (2) faces which are no more than three (3) feet apart at their closest point, and which describe an internal angle between face planes extended of no more than 30 degrees.

DRAIN – Any pipe that carries wastewater or waterborne wastes in a building drainage system.

DREDGING – Excavation by any means in water or wetland. It also means the excavation or creation of a water body which is, or is to be, connected to waters, directly or via excavated water bodies or a series of excavated water bodies.

DRIPLINE – The ground area surrounding the trunk of a tree that is described by the vertical plane enclosing the outermost branches of the tree. For asymmetrical specimens, or those with unusually small crown spread, the drip line area shall in no case be less than that area described by a radial dimension of one foot for each one inch of trunk radius.

DRIVEWAY OR DRIVE – A vehicular access way, serving one (1) or more properties.

DWELLING – A building or part thereof with cooking, sleeping and sanitary facilities that is designed in whole or part as the separate and independent residence or living quarters for one or more persons, but which does not include the terms bed and breakfast inn, hotel, mobile home, motel, recreational vehicle or tent. This term does include the following categories:

- a) *Dwelling, Single Family* – A building containing one dwelling unit which would include the following types:
 - Single Family Attached
 - Single Family Detached

- b) *Dwelling, Two-Family* – A building containing two dwelling units which would include the following types:
 - Duplex

- c) *Dwelling, Multi-Family* – A building containing three or more dwelling units which would include the following types:
 - Apartments, Low and Mid-Rise
 - Townhouses

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

ESSENTIAL SERVICES – Public utility facilities either underground or overhead and related to the transmission or distribution system of water, sanitary sewer or storm sewer, telephone, gas, electricity, public safety, including poles, wires, mains, hydrants, drains, pipes, conduits, police or fire callboxes, traffic signals and other similar equipment necessary for the furnishing of adequate service, but not including buildings.

FAMILY – One or more persons all living together and interrelated by blood, marriage, or legal adoption, and occupying one dwelling unit. Boarding of no more than three (3) unrelated persons with a family shall be permitted.

FAMILY CHILD CARE HOME – An occupied residence in which child care is provided for a period of less than 24 hours a day on a regular basis, for no more than five (5) children including those related to the resident care giver.

FARMERS/FLEA MARKET – An occasional or periodic sales activity held within a building, structure, or open area where groups or individual sellers offer goods – new and used, for sale to the public, not to include private garage sales or similar activities held by churches or other non-profit organizations.

FASCIA SIGN – A sign located on the fascia of a roof or canopy, or affixed to the front plane of a mansard roof that is a maximum of 30 degrees from vertical, including signs that extend the plane of the structural fascia such that the vertical dimensions of the sign is no more than one third ($\frac{1}{3}$) the distance from the ground to the bottom of the fascia and no lateral supports are used.

FEMA – The Federal Emergency Management Agency.

FDER – The Florida Department of Environmental Regulation.

FDNR – The Florida Department of Natural Resources.

FINANCIAL SERVICE – An establishment engaged in the management of money and credit, and may include, but not be limited to, accounting, bookkeeping, investment securities, money transfer, mortgage loans, pension plans, stocks and bond brokerage and tax planning. This term would not include the term bank.

FINGER PIER – A narrow walkway extending over water to provide access between docked boats and the main access pier connection to land.

FINISHED GRADE – The completed surface of lawns, walks and driveways brought to grade as shown on building plans or designs relating thereto.

FIRE FLOW – The quantity of water measured in gallons per minute (gpm) that is needed to extinguish a fire involving a particular building, block, area or material.

FIXTURE, PLUMBING – Installed receptacles, devices, or appliances supplies with water or that receive or discharge liquids or liquid-borne wastes.

FLAG – A rectangular piece of fabric of distinctive design that is used as a symbol (as of a nation, state or city), or is displayed to show affiliation with a specific recognized organization (such as fraternal, religious or charitable organization.)

FLOOD OR FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters;
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM) – An official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the flood, mudflow and related erosion areas ~~of~~ having special ~~flood~~ hazards have been ~~defined as Zone A~~ designated.

FLOOD INSURANCE RATE MAP (FIRM) – An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated ~~both the areas of special~~ Special Flood Hazard areas (SFHAs), the Base Flood Elevations (BFEs) and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – The official report by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

FLOOD-LEVEL RIM – The edge of the receptacle from which water overflows.

FLOODPLAIN – Any land area susceptible to being inundated by floodwaters from any source.

FLOODWAY, REGULATORY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than ~~one foot~~ a designated height.

FLOOR – The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood-frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FLOOR AREA, GROSS – - The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts. For non-residential land uses, the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings.

FLUCFCS – Florida Land Use, Cover and Forms Classification System, 1985, published by the Florida Department of Transportation.

FREESTANDING SIGN – Any sign supported by uprights or braces placed upon or in or supported by the ground, a fence or non-structural wall. This shall include signs attached to buildings but supported in whole or in part as described above. A flagpole shall not be considered a freestanding sign.

FRONT-FOOT, BUILDING – Each linear foot, or major portion thereof, measured along the main entry side of a building. Where buildings form an “L” or “U”, all main entry sides are measured.

FRONT-FOOT, PROPERTY – Each lineal foot, or major portion thereof, measured along the public right-of-way where the subject property abuts said right-of-way.

FRONT-FOOT, TENANT – Each lineal foot, or major portion thereof, measured along the main entry side of a tenant space.

GAME/RECREATION FACILITY – An establishment which provides indoor or outdoor opportunities for casual entertainment by patrons of all ages, and may include, but not be limited to, amusement park, bingo club, bowling alley, game room, go-kart track, miniature golf, pool hall, skateboard park, skating rink and video arcade.

GROSS DENSITY – The total acreage of a parcel of land excluding open waterbodies divided by the total number of proposed dwelling units.

GROUND SIGN – A sign which is in contact with or in close proximity, to the ground for a minimum of eighty (80) percent of its greatest horizontal dimension.

~~**GUEST COTTAGE** – Living quarters located on the same lot or parcel of land as the principal building, to be used exclusively for housing members of the family occupying the principal building or for their nonpaying guests. The quarters shall not be rented or otherwise used as a separate dwelling.~~

HARMFUL TO MINORS – With regard to sign content, any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:

- a) predominately appeals to the prurient, shameful or morbid interest of minors in sex, and
- b) is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors, and
- c) taken as a whole, lacks serious literary, artistic, political, or scientific value.

The term “harmful to minors” shall also include any non-erotic work or picture when it:

- a) is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable for viewing by minors, and
- b) taken as a whole, lacks serious literary, artistic, political, or scientific value.

HAZARDOUS MATERIALS – Those chemicals or substances that are physical hazards or health hazards as classified in Section 307 and the Florida Fire Prevention Code, whether the materials are in usable or waste condition. Any ~~Any material defined, listed, characterized, or classified as a hazardous material, hazardous substance, hazardous waste, or toxic~~ substance according to any of the following State or Federal codes or regulations:

- a) Chapter 38F-41, Florida Administrative Code (Florida Substance List).
- b) Title 40 Code of Federal Regulation part 261 (Identification and Listing of Hazardous Wastes).
- c) Title 40 Code of Federal Regulations part 302.4 (Designation of Hazardous Substances).
- d) Title 40 Code of Federal Regulations part 355, Appendices A and B (List of Extremely Hazardous Substances).
- e) Title 49 Code of Federal Regulations parts 172.101 and 172.102 (Hazardous Materials Tables).

Hazardous materials ~~includes~~include any solution, mixture, or formulation containing such material, and any material which, due to its chemical or physical characteristics, is determined by the City Fire Department to pose a substantial threat to life, health, or safety of persons or property or to the environment. The term includes, but is not limited to, explosives, radioactive materials, petroleum products, gases, poisons, biologic agents, flammable and corrosives.

HAZARDOUS PRODUCTION MATERIAL (HPM) - - A solid, liquid or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability or instability of Class 3 or 4 as ranked by NFPA 704 and which is used directly in research, laboratory or production processes which have as their end product materials that are not hazardous.

HEALTH/EXERCISE CLUB – An establishment which provides for athletic and physical force training or health and recreational exercise. This term may include, but is not limited to, the terms aerobics instruction, dance instruction, fitness center, gymnasium (private), gymnastics school, karate, martial arts, self defense instruction, and weight room.

HEALTH HAZARD – ~~Any conditions, devices, or practices in the water supply system and its operation that create, or, in the judgment of the City Manager or designee, may create, a danger to the health and well-being of the water consumer.~~ A classification of a chemical for which there is statistically significant evidence that acute or chronic health effects are capable of occurring in exposed persons. The term “health hazard” includes chemicals that are *toxic or highly toxic, and corrosive.*

HEIGHT OF SIGN – The distance between the top of a sign and the average grade elevation below it, or centerline grade of the adjacent roadway, whichever is less. The height of the sign shall be measured to surface roads only and shall not apply to bridges, overpasses or similar elevated roads.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HYDROPNEUMATIC TANK – A pressure vessel in which air pressure acts on the surface of the water contained within the vessel, pressurizing the water distribution piping connected to the vessel.

IDENTIFICATION SIGN – A sign that indicates the name and type of business or service, or the name of the development located on the site where the sign is located including street address, phone number, and graphic or business logo.

ILLUMINATED SIGN – A sign that uses artificial light, either internal or external to the sign faces, to draw attention to the sign or otherwise increase its visibility.

INLET – The open end of the water supply pipe through which the water is discharged into the plumbing fixture.

INSTRUCTIONAL SIGN – A sign conveying non-advertising information relating to the use of the premises, including such as no parking, no trespassing and warning signs.

ISOLATED WETLANDS – Wetlands that have no hydrological or vegetative connection with “waters of the state” as defined in Section 403.031(3), Florida Statutes.

KENNEL - A premises which provides for the boarding, breeding, buying, grooming, rearing or selling of more than 4 animals, whether for profit or for personal use. The Land Development Code however is not to preclude the breeding and rearing of small household pets which may include, but not be limited to, dogs, cats, fish, reptiles, rodents and birds.

~~-A premises which provides for the boarding, breeding, buying, grooming, rearing or selling of more than 4 animals, whether for profit or for personal use. The Land Development Code however is not to preclude the breeding and rearing of small household pets which may include, but not be limited to, dogs, cats, fish, reptiles, rodents and birds.~~

LABORATORY/RESEARCH AND DEVELOPMENT – An establishment engaged in the investigation, testing and experimentation of the natural, physical or social sciences, or engaged in engineering and development as an extension of investigation with the object of creating products. This type of facility may include, but not be limited to, asphalt and concrete testing, foundation testing, material testing, and soils, geology and groundwater testing.

LAUNDRY AND DRY CLEANING PLANT – A building where the washing, drying, ironing, and/or dry cleaning of laundry occurs on a large scale and without retail transactions on the premises.

LAUNDRY AND DRY CLEANING RETAIL SERVICE – An establishment where washing, drying, ironing, and/or dry cleaning machines are available for rental by the public for their use on the premises, or are available for use by the establishment’s personnel in cleaning laundry for the public patrons. Such an establishment might also involve the intake of laundry from public patrons to be sent off the premises to a laundry and/or dry cleaning plant.

LISTED SPECIES – Any plant species or animal species (vertebrate) indicated as endangered, threatened, or species of special concern as found in the Regulated Plan Index of Current F.S. Section 581.185(5), Florida Statutes, the Designation of Endangered Species, Designation of Threatened Species and the Designation of Species of Special Concern of Sections 39-27.003-27.005, Florida Administrative Code, and the Federally Listed Species by State-Florida issued by the United States Fish and Wildlife Service.

LISTED SPECIES EVIDENCE – Indication of the presence of a listed species, including sightings, signs, tracks, trails, suggestions of feeding.

LIVING AREA – Space in a structure in which the air is conditioned by heating and/or air conditioning and the space is habitable or enclosed excluding open porches, screened porches, garages, and/or attached storage sheds.

LOT – A designated parcel, tract, or area of land established by plat, subdivision or otherwise permitted by law, to be used, developed or built upon as a unit.

LOT, DEPTH – The distance between the midpoints of the front and rear lot lines.

LOT LINE – A line of record bounding a lot which divides one lot from another lot from a public or private street or any other public space.

LOT LINE, FRONT – Any side of a lot which fronts upon a street, be it public or private. The primary front lot line is that frontage on which the address is given.

LOT LINE, REAR – The lot line(s) most distant from and most nearly parallel to the primary front lot line.

[LOWEST FLOOR - The lowest floor of the lowest enclosed area \(including a basement\). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of requirements. \(For floodplain management purposes\) \(FEMA\)](#)

MAIN ACCESS PIER – A walkway extending over water from land, used as the means of access to boat docking facilities.

MAINTENANCE CONTRACTOR – An establishment which provides routine business and residential maintenance activities at the place of business or residence needing such treatment. This type of contractor may include, but not be limited to, exterminators, janitors and house cleaners, and swimming pool service.

MANAGEMENT – A series of techniques applied to maintain the species diversity and viability of a listed species in a location. These techniques include, but not be limited to, control burning, planting or removal of vegetation, exotic species control, maintaining hydrologic regimes and monitoring.

MANAGEMENT PLAN – A plan prepared to address conservation and management of listed species and their habitat, which is approved by the City following recommendations and approval from the Florida Game and Fresh Water Commission.

MANUFACTURED BUILDING – A building made or assembled in manufacturing facilities away from a building site for the installation or the assembly and installation on the building site. These buildings must meet all of the Building Code requirements of the City of Fruitland Park and may include residential, commercial, industrial, institutional and storage structures, but shall not include mobile homes.

MANUFACTURING, CRAFTSMAN SHOP – A trade type of establishment where products are made based on specific manual skill or art, and may include, but not be limited to, cabinetmaking, painting, pottery, stained glass, upholstery and woodworking.

MANUFACTURING, FABRICATION – An establishment engaged in the making of a finished product by means of the assembly of standard parts or sections, and may include, but not be limited to, audio/video equipment, boxes, fiberglass materials, hardware, home furnishings, robots, septic tanks, and telephone equipment and supplies.

MANUFACTURING, PROCESSING – An establishment engaged in the making of a finished product by means of changing materials into a different form through a series of actions and may include, but not be limited to, chemical production, fish cleaning and preparation, food products (packaging, canning, bottling, or processing), paint production and tire production.

MARINA – An establishment with a waterfront location for docking pleasure boats or providing services to pleasure boats and occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies, and provisions for food, beverages, and entertainment as accessory uses. Boat docks associated with a private residence shall not be considered a marina.

MEAN LOW WATER – The average height of all low waters recorded at a given place over a 19 year period.

MEAN HIGH WATER – The average height of all high waters recorded at a given place over a 19 year period.

MEAN SEA LEVEL – The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the Land Development Code, this term is synonymous with National Geodetic Vertical Datum (NGVD).

MEDICAL OFFICE/CLINIC – An establishment where the diagnosis and treatment of human patients occurs without the provision of overnight care facilities and may include, but not be limited to, the services of acupuncture, alcoholism counseling, chiropractor, dental office and clinic, family planning, medical doctor office, mental health clinic, occupational therapist, speech and language pathologist, walk-in medical center, and weight control service.

MEMBERSHIP SIGN – A sign identifying affiliation with a travel club, business association, credit card company, or professional association.

MEMORIAL SIGN – A permanent sign, plaque, inscription or similar group of symbols recording historical data relating to the construction of the building to which it is affixed.

MINI-WAREHOUSE – A self-service storage facility in a building consisting of individual self-contained units of varying sizes that are leased or owned for the express purpose of the storage of business and household goods, or for contractor’s supplies. Such uses shall not include retail commercial land uses.

MITIGATION – Actions including, but not limited to, restoration, enhancement, or creation of wetlands, required to be taken by a person to off-set environmental impacts of permitted activities.

MOBILE HOME – A manufactured housing unit built on a chassis, subject to all regulations applying thereto, including vehicle registration and title issued by the Florida Department of Motor Vehicles, whether wheels, axles, hitch, or other appurtenances of mobility are removed, and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.

MOBILE HOME PARK – A single parcel or tract of land where lots are rented to accommodate mobile homes.

MOBILE HOME SUBDIVISION – A single parcel of land where lots are individually owned.

MOTOR VEHICLE – An automobile, motorcycle, truck tractor and semi trailer combination, or any other vehicle legally operated on the roads of this State, used to transport persons or property, and propelled by power other than muscular power, but not including farm-type tractors, road rollers, such vehicles as run only upon a track, bicycles, or mopeds, in accordance with Chapter 320 of the Florida Statutes.

MOTOR VEHICLE, BOAT SALES – An area used for the display, sale or rental of new or used motor vehicles and boats in operable condition and where no repair work is done.

MOTOR VEHICLE AND BOAT STORAGE FACILITY – Land where the long term parking of motor vehicles and boats is accommodated.

MOTOR VEHICLE DEALER SALES – An establishment for the sale of new or used vehicles together with on premises repair facilities, including paint and body shop.

MOTOR VEHICLE REPAIR FACILITY – An establishment where major mechanical overhaul and repairs, paint and body work, or rebuilding of vehicle components is done.

MOTOR VEHICLE SERVICE CENTER – An establishment engaged in the servicing of motor vehicles allowing over the counter sale a installation of new replacement parts,

equipment and accessories, including minor adjustments, oil change, tune-ups, wheel alignment and balancing, tire changing and repair, installation of exhaust systems parts, brake linings, electrical repairs and the like; where work prohibited shall be engine rebuilding, body service work or repairing, sale of vehicles or the outside storage of same, or the outside storage of parts and equipment other than for temporary display purposes.

MOTOR VEHICLE SERVICE CENTER – An establishment engaged in the servicing of motor vehicles allowing over the counter sale and installation of new replacement parts, equipment and accessories, including minor adjustments, oil change, tune-ups, wheel alignment and balancing, tire changing and repair, installation of exhaust systems parts, brake linings, electrical repairs, and the like; where work prohibited shall be engine rebuilding, body service work or repainting, sale of vehicles or the outside storage of same, or the outside storage of parts and equipment other than for temporary display purposes.

MOTOR VEHICLE SERVICE STATION – An establishment primarily engaged in the fueling, servicing, and washing of motor vehicles which may include the sale of refreshments from vending machines, fuel, lubricants, and products necessary to the operation and maintenance of motor vehicles, and may include the sale and installation of accessories, tires, batteries, minor engine tune-ups, wheel balancing and alignment, brake service, but not including major mechanical or body repair or the sale of motor vehicles.

MULTI-TENANT RETAIL – A single structure housing two (2) or more commercial class businesses which share the same lot, access, and parking facilities and are typically between 125,000 SF and 400,000 SF. May also be known as a neighborhood center or strip center.

MULTI-TENANT OFFICE – A single structure housing two (2) or more offices which share the same lot, access, and parking facilities.

NATIONAL GEODETIC VERTICAL DATUM (NGVD) – As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

NATURAL COMMUNITY – An association of plant and animal species which inhabit and interact within the same environment characterized by certain hydrological, biological, ecological and chemical qualities.

NON-CONFORMING SIGN – A sign permitted in the City before the adoption of the Land Development Code, that does not conform to the requirements of the Land Development Code. A sign not legally permitted prior to the adoption of the Land Development Code shall not be considered a non-conforming sign.

NURSING HOME – An extended or intermediate care facility which provides full time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. This type of facility shall be licensed by the Florida Department of Health and Rehabilitative Services and meet their criteria, pursuant to Chapter 400 of the Florida Statutes and shall provide nursing services as defined in Chapter 464 of the Florida Statutes. This term may include, but not be limited to the terms extended care facility, intermediate care facility and long term care facility.

OFFICE – An establishment where services are performed involving predominantly administrative, professional, or clerical operations for a business, government, industry, profession or service.

OFFICE COMPLEX – Any office development containing two (2) or more tenant spaces that are under common land ownership or that share common property frontage.

OFFICE SUPPLY – An establishment which offers the sale of materials predominately used by the office community and may include, but not be limited to, the sale of accounting and bookkeeping materials, beepers-pagers, business forms, systems, and machines, computer equipment and supplies, inserting and mailing machines, office furniture and typewriters.

OFFICE/WAREHOUSE FACILITY – An establishment where an office building will provide an attached warehouse to accommodate the office use.

OFF-SITE SIGN – Any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertising logos, symbol or other form, whether placed individually on a or a V-type, back-to-back, side-to-side, stacked or double-faced display, or bench, designated intended or used to advertise or inform, and any part of the advertising message or informative contents of which is visible from any place on the main or traveled way and which sign related in its subject matter or message to offices, products, accommodations, services or activities which are sold, produced available, conducted or rendered at locations together than on the premises where the sign is located. The term does not include an official traffic control sign, official marker, specific information panel erected, or other form of public information caused to be erected or approved by any government upon its property or right-of-way.

ON-SITE SIGN – A sign that identifies or advertises only goods, services, facilities, events or attractions available on the premises where the sign is located.

OUTPARCEL – A parcel of land generally related to and subdivided from a larger surrounding tract, which contains freestanding structure when developed and is primarily accessed within the surrounding tract.

PENNANT – Any flag like piece of cloth, plastic or paper attached to any staff, cord, building or other structure that hangs loosely for the purpose of attracting attention to the site.

PERSONAL SERVICE – An establishment which provides for the care of a person or a person's apparel, and may include, but not be limited to, beauty/barber shop, nail salon, tanning salon, laundry, dry cleaning, retail store, garment service and shoe repair.

PLUMBING HAZARD – Any arrangement of plumbing including piping and fixtures whereby a cross connection is created.

PLUMBING SYSTEM – ~~Includes: water supply and distributing pipes; plumbing fixtures; traps; soils; soil, waste and vent pipes; building drains and sewers including their respective connections, devices and appurtenances within the property lines of the premises; and water treating or water using equipment.~~ A system that includes the water distribution pipes; plumbing fixtures and traps; water-treating or water-using equipment; soil, waste and vent pipes; and building drains; in addition to their respective connections, devices and appurtenances within a structure or premises; and the water service, building sewer and building storm sewer serving such structure or premises.

POLE SIGN – A sign which is supported by one (1) or two (2) poles of no greater than eight (8) inches in diameter and otherwise separated from the ground by air.

PORTABLE SIGN – A sign that has no permanent attachment to a building or to the ground by means of a footing, including but not limited to, an A-frame sign, sign with wheels, pull attachments or hot air or gas filled balloons.

PRINCIPAL USE OF STRUCTURE – The primary use of or structure on any land which is allowed as a permitted use, special exception or conditional use in the zoning district, or allowed as a continuing nonconforming use under provisions of the Land Development Code.

PROPERTY – Land which is subject of the specific development application.

PUBLIC UTILITY STATION – Equipment and structures necessary for the conducting of service by a publicly owned or regulated agency, and may include, but not be limited to, electric power plants, stations, and substations, gas transfer stations, municipal water system well and tanks, sewage and water treatment plants, buildings and lift stations, and telephone exchanges and repeater stations.

REAL ESTATE SIGN – A sign erected by the owner, or his agent, advertising the real property where the sign is located for sale, lease or rent.

RECREATIONAL VEHICLE – A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven, and primarily designed as temporary living accommodations for recreational, camping and travel use and may include, but not be limited to, camping trailer, motor home, park model trailer, private motor coach, travel trailer, truck camper, and van conversion. This term shall not include the term mobile home.

REDUCED-PRESSURE-PRINCIPLE-BACKFLOW-PREVENTER – An assembly of differential valves and check valves, including an automatically opened spillage port to the atmosphere, designed to prevent backflow.

RESTAURANT – An establishment where meals are prepared, and food, including beverages and confections, are served to customers, with the food and non-alcoholic beverage sales amounting to at least 51% of the total food sales.

RETAIL HOME BUILDING MATERIALS – An establishment which offers for retail sale materials and equipment for home and garden construction and maintenance, and may include, but be limited to, aluminum, cabinets, caulking material and equipment, garden supplies, and topsoil. Plant materials sold at such an establishment could be grown on the premises in a field or greenhouse.

RETAIL NURSERIES AND GARDEN SUPPLIES – An establishment which offers to the public for retail sale, plants and/or associated materials and may include, but not be limited to, fences, fill material, firewood, gravel, sand, and rock products, lawn and garden supplies, and topsoil. Plant materials sold at such an establishment could be grown on the premises in a field or greenhouse.

RETAIL SALES AND SERVICES – An establishment engaged in the selling of products and service to the public for personal or household consumption, including but not limited to beauty/barber shop, laundry and dry cleaning store, newsstand/ bookstore, xerographic printing, clothing stores, drug stores, home electronic equipment, food/grocery stores, and sporting goods.

RIPRAP – A retaining wall made to reduce the force of waves as well as to protect a shore from erosion and consists of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions.

ROAD – All roads within the City shall be classified as follows:

- *Local Road* – A route of relatively low traffic volume and travel speed that provides primary access to the majority of individual lots in subdivisions, and connects those lots to the collector or arterial system.

- *Minor Collector Road* – A route that provides primary access to or through a subdivision or subdivisions, and connects those developments to the major collector and arterial system.
- *Major Collector Road* – A route providing service which is of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.
- *Minor Arterial Road* – A route which generally interconnects with, and augments, principal arterial routes and provides service to trips of shorter length and a lower level of travel mobility. Such a route would include any arterial not classified as “principal” and containing facilities that place more emphasis on land access than the higher system.
- *Principal Arterial Road* – A route which generally serves the major centers of activity of an urban area, the highest traffic volume corridors, and the longest trip purpose and carries a high proportion of the total urban area travel on a minimum of mileage. Such a route would be integrated, both internally and between major rural connections.

ROOF-MOUNTED – Any appurtenance or equipment attached to any building in such a manner that the height of the appurtenance or equipment exceeds the height of the wall elevation of the structure.

ROOF-SIGN – A sign painted on or affixed to the roof of a building and primarily supported by the roof structure, except fascia signs as defined herein.

[SCREEN ENCLOSURE - - A building or part thereof, in whole or in part self-supporting, and having walls of insect screening with or without removable vinyl or acrylic wind break panels and a roof of insect screening, plastic, aluminum or similar lightweight material, or other materials and assemblies such as a patio, deck, or the roof of a structure.](#)

SCREEN ROOM – An addition to a structure or integral part of a structure which is enclosed with screen, permitting unobstructed flow of air in and out of the addition. A screen room may have a permanent floor and roof structure integral to the principal structure, however, for purposes of the Land Development Code, no elevation of any wall of the room shall have less than sixty (60) percent open screen area.

SHOPPING CENTER – ~~Any commercial building or development housing three (3) or more tenants on one ownership parcel.~~ A group of commercial class businesses built on

a site that is planned, developed, and managed as a unit. Shopping centers are typically 400,000 SF or larger.

SHORELINE – A line marking the edge of a body of water.

SIGN – Any letters, numbers, symbols, graphics, pictures, three-dimensional objects, figures or combination thereof which is erected, constructed, placed, attached or painted on a structure or the ground, which identifies, advertises or directs attention to a product, business, institution, place, person or event, and which can be seen from the public right-of-way. When not modified by the terms “structure” or “face” the term “sign” shall include all parts of the sign and its supporting structure.

SIGN, AREA OF – The total surface of a sign including the background and frame but not structural supporting elements outside of its frame. Where a sign is composed of skeleton letters, characters, or symbols applied to a background which is not a structural part of the sign, the area of the sign shall be the smallest rectangle, triangle or circle which will include the display.

SIGN FACE – Any plane, surface, curve or other area containing a sign. The total surface of the sign including the background and frame but not structural supporting elements outside the frame.

SIGN, MONUMENT - Means a freestanding sign in which the enclosed base is a minimum width of one-third the width of the sign and is subject to all other restrictions as applicable elsewhere in this Code.

SIGN, SNIPE – a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

SIGN STRUCTURE – The uprights, supports, braces and framework supporting a sign.

START OF CONSTRUCTION – The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation.

STATE WATER QUALITY STANDARDS – Criteria set forth in Chapter 17-3 of the Florida Administrative Code as the minimum levels of ambient water quality parameters permissible in a water body to protect the designated uses of a water body.

STORY -- A building or part thereof, in whole or in part self-supporting, and having walls of insect screening with or without removable vinyl or acrylic wind break panels and a roof of insect screening, plastic, aluminum or similar lightweight material, or other materials and assemblies such as a patio, deck, or the roof of a structure.

STRUCTURE – A walled and roofed building that is principally above ground, a mobile home, a gas or liquid storage tank, or other man-made facilities or infrastructures that which is built or constructed

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained *substantial damage*, any repairs are considered substantial improvement regardless of the actual *repair* work performed. The term does not, however, include either:

A. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the *building official* and that is the minimum necessary to assure safe living conditions.

B. Any *alteration* of a historic structure provided that the *alteration* will not preclude the structure's continued designation as a historic structure. Any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during a one-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure shall be that prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition "substantial improvement" is considered to occur with the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specification which are solely necessary to assure safe living conditions.

SURGE TANK – The receiving, nonpressure vessel forming part of the air gap separation between a potable and an auxiliary supply.

SWIMMING POOL – Any constructed pool over twenty four (24) inches in depth or with a surface area exceeding two hundred fifty (250) square feet used for swimming. Any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground

pools; hot tubs; spas and fixed-in-place wading pools. Any structure, basin, chamber or tank containing an artificial body of water for swimming, diving or recreational bathing located in a residential area serving four or fewer living units having a depth of 2 feet (610 mm) or more at any point as defined in Section 515.25, Florida Statutes, or the body of water is a public pool as defined in Section 514.011, Florida Statutes.

TELECOMMUNICATIONS – the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

TEMPORARY SIGN – Any sign that is used only temporarily and is not permanently mounted. Temporary signs shall include portable signs, as defined in this Chapter.

TENANT – One who is in possession of a premise under title, lease or rental plan. Such premises, for purposes of the Land Development Code, is referred to as a tenant space,

TRANSPORTATION SERVICE – An establishment which provides transportation for animals, automobiles and other motor vehicles, and persons, and may include, but not be limited to, air ambulance, airport and motel transport, armored car security transport, boat transport, bus line service, horse and pet transport, and limousine service. The parking and storing of vehicles associated with the business shall occur on the premises.

TREE – Any living, self-supporting, woody perennial plant which has a trunk diameter of at least one and one-half (1½) inches.

TREE, HISTORIC – any tree, except undesirable trees, with a DBH height of thirty-six (36) inches or larger.

TREE, SPECIMEN – any tree, except undesirable trees, with a DBH of twenty (20) inches or larger.

TRUCKING TERMINAL – Land or buildings where trucks, including tractor or trailer units, are parked, stored, or serviced (to the extent permitted at a Motor Vehicle Service Center) including the transfer, loading or unloading of goods. A trucking terminal may include facilities for the temporary storage of loads prior to transshipment, and may include, but be limited to, business of armored truck delivery and pick up, freight forwarding, motor freight and local cartage trucking and parcel shipping.

UNDER CANOPY SIGN – A sign painted on or attached to the underside of a canopy or marquee.

UPLAND NATURAL COMMUNITIES – Lands with some topographic relief which are identified by infrequent inundation by surface water, and soils with high permeability and a low water table, so that xeric types of vegetation are supported in such systems.

USACOE – The United States Army Corp of Engineers.

USED MOTOR VEHICLE PARTS YARD – Land on which inoperative motor vehicles and parts are stored, salvaged or sold.

UTILITY SHED – An all-weather, permanent or temporary, fixed or moveable accessory building used for the sole purpose of storage.

VACUUM – Any pressure less than that exerted by the atmosphere.

VACUUM BREAKER, NONPRESSURE TYPE – A vacuum breaker designed so as not to be subjected to static line pressure.

VACUUM BREAKER, PRESSURE TYPE – A vacuum breaker designed to operate under conditions of static line pressure.

VARIANCE – A grant of relief from the requirements of the Land Development Code which permits construction in a manner otherwise prohibited by the Land Development Code where the specific enforcement would result in unnecessary hardship.

VETERINARY CLINIC – An establishment for the medical and surgical treatment of sign or injured animals, where limited overnight facilities are provided in association with such treatment. This term may include, but not be limited to, veterinarian office, veterinary hospital and animal clinic, but shall not include the term kennel.

WALL SIGN – A sign painted on or affixed to the structural wall of a building, with a sign face approximately parallel to the wall perpendicular to the ground and projecting no more than twelve (12) inches from the wall. The general term “wall sign” shall also include window signs and fascia sign.

WETLAND NATURAL COMMUNITIES – Lands of low topographical relief which are identified by being inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do or would support a prevalence of vegetation typically adopted for life in saturated soil conditions.

WETLANDS – Lands which are identified by being inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adopted for life in saturated soil conditions. The definition includes all contiguous and non-

contiguous or isolated wetlands to waters, water bodies, and watercourses. Wetlands include, but are not limited to, swamp hammocks, hardwood hybrid hammocks, riverine cypress, cypress ponds, bayheads, bogs, wet prairies and freshwater marshes.

Dominant wetland vegetation shall be determined as provided in Rule 17-3.022, Florida Administrative Code. In circumstances where the natural boundary of wetland vegetation is unclear, the line of demarcation may be approximated at a surveyed elevation measured at a location in the same wetland where the natural line is clear. In the event an undeveloped area has been recently cleared of all vegetation, the wetland boundary may be determined by a study of the soils, aerial mapping, photography, hydrology and other historical information as appropriate.

WETLAND VEGETATION – As defined in Rule 17-3.022, Florida Administrative Code.

WHOLESALE AND DISTRIBUTORS – An establishment engaged in the storage, wholesale, and distribution of manufactured projects, supplies, and equipment, and incidental retail sales, exclusive of bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

WINDOW SIGN – A permanent sign affixed to, suspended within three (3) feet behind or painted on either face of a window or glass door that leads to the exterior of the building.

YARD – The open space between the primary structure and lot line that may include pavement, landscaping, accessory structures or other improvements as allowed by the Land Development Code. The terms front, side and rear yards refer to the yards adjacent to the front, side and rear property lines.

CHAPTER 152
ADMINISTRATION

SECTION 152.010: GENERAL PROVISIONS

a) Administrative-~~Official~~Officer.

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

b) Fees.

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

SECTION 152.020: DEVELOPMENT ORDER AND DEVELOPMENT PERMIT REQUIRED

a) In General.

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

b) Exceptions to the Requirement of a Development Order.

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

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

c) Approval Authority

The following land development plans shall only require action by the City Manager or designee:

- 1) Construction Plans
- 2) Lot Split
- 3) Unity of Title
- 4) Lot Line Deviation

SECTION 152.030: DEVELOPMENT ORDER

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

a) Contents.

A development order shall include the following:

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

7) [Flood Insurance Rate Map information to include the map/panel number, any special Flood Hazard Areas and Base Flood Elevation\(BFE\).](#)

b) General Conditions.

All development orders are issued contingent upon the following:

- 1) The accuracy of information provided in the development plans and associated documents. Inaccuracies that affect compliance with the Land Development Code, or the soundness of engineering design, may be considered grounds for the voiding of a development order.

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

c) Expiration of a Development Order.

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

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

d) Extension of Expiration Date.

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

- 1) Where initial development permits have been issued pursuant to the development order, and development is continuously proceeding, the City Manager may grant one or more extensions not to exceed a total of two (2) years from the original expiration date. No fee shall be required beyond those required for the issuance of development permits.
- 2) Where an extension is desired but no permits have been issued, a developer must request an extension in writing from the City Manager, accompanied by a development order extension fee. The request for extension shall be reviewed and considered by the same process as the original approval, with special consideration to:
 - A) Amendments to the Land Development Code, including codes and standards adopted by reference, that have been adopted since the

original approval, requiring modification to the development plans or associated documents.

- B) Re-evaluation of the ability of the proposed development to meet the requirements of Chapter 153 "Concurrency Management System."
- C) Changes in surrounding land use, development or other conditions that may require modification of the plans to meet the requirements of the Land Development Code.

e) Securing Development Permits.

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

f) Modification of a Development Order.

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

SECTION 152.040: AMENDMENTS

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

a) Application.

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

- 1) Applications for Development Code amendments or rezoning shall be submitted no later than twenty-eight (28) days in advance of the regularly scheduled Planning and Zoning Board meeting in order to be considered at that meeting. ~~(Revise timeline to include TRC requirements and to be compliant with House Bill 7103)~~
- 2) Within thirty (30) days after receiving an application, the City will review the application for completeness and issue a letter indicating all required information is submitted or specifying with particularity any areas that are deficient.
- 3) If the applicant is deficient, the applicant has thirty (30) days to address the deficiency.
- 4) Within ninety (90) days after the initial submission, if complete, or the supplemental submission, whichever is later, the City shall approve, approve with conditions, or deny the application.

±)

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

~~3)5) Applications for rezoning and future land use plan amendments shall include a legal description of the property in Word format, sketch, or current survey of the property, proof of ownership, and authorization of the owner if represented by an agent or contract purchaser. An electronic copy of all documents must accompany the hard copy original submittal.~~

b) Notification of Public Hearing.

All amendments to the Comprehensive Plan or the Land Development Code shall comply with Florida Statutes, to include notice to adjoining owners, posting of property, and public advertisement as required by Section 166.041. ~~the following:~~

- 1) Rezoning and Future Land Use Map Amendments. The following requirements apply to owner initiated amendments. The requirements of Section 166.041(3)(c), Florida Statutes, shall apply to rezoning amendments initiated by the City. The requirements of Section 163.3184, Florida Statutes, shall apply to future land use map amendments initiated by the City.

- A) *Adjoining Owners.* The City shall send notice of the proposed action to the owners of all adjoining properties to the subject property, as well as any owners of the subject property not party to the application. Such notice shall include the date, time and place of the public hearing before the Planning and Zoning Board and the City Commission, along with a clear and concise description of the proposed action. For the purposes of such notification, adjoining properties shall include those properties separated from the subject property by a road, canal, easement right-of-way or similar barrier of ~~five hundred two hundred fifty~~ feet (~~500250~~) or less in width.
 - B) *Posting of Property.* The City shall post the property that is the subject of the proposed action with signs notifying the public of the proposed action, date of public hearings, and who to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a minimum of one sign per ~~four hundred one hundred fifty~~ (~~400150~~) feet along any one frontage.
 - C) *Public Advertisement.* Notice of public hearing shall be published as required by state law.
- 2) *Textual Changes.* Notification and advertising for ordinances making textual changes to the Land Development Code or the Comprehensive Plan that do not substantially change permitted use categories in zoning districts or land use map designations, shall be as normally required for ordinances under the City Charter and Code, and state law.

c) Procedure for Public Hearing.

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

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

d) Reapplication for Denied Rezoning.

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

e) Criteria for Review of Amendments.

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

- 1) Consistency with the Comprehensive Plan, or in the case of a Plan amendment, consistency with the remainder of the Plan and its goal, objectives and policies.
- 2) Consistency with applicable sections of the Land Development Code.
- 3) Additionally, as to rezoning amendments:
 - A) Whether justified by changed or changing conditions.
 - B) Whether adequate sites already exist for the proposed district uses.
 - C) Whether specific requirements of the Land Development Code are adequate to insure compatibility with adjoining properties as required by the Comprehensive Plan.

SECTION 152.050: APPEALS

a) Procedural Appeals.

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

b) Technical Appeals.

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

SECTION 152.060: ENFORCEMENT

The City reserves the right to enforce the provisions of the Land Development Code in any manner as provided by law, including referral to the code enforcement officer [and/or code Special Magistrate](#).

In General

Whenever the Department has reason to believe that the provisions of the Land Development Code are being violated, it shall notify the alleged violator of the nature of the violation(s), and require correction of the violation(s) in a reasonable period of time, based on the policies of the City. If not corrected within the time specified, the violation(s) shall be referred to the Code Enforcement ~~Board Officer~~ for enforcement as authorized ~~in the Code of Ordinances by Chapter 162, Florida Statutes~~ Statutes, and the City of Fruitland Park Code of Ordinances, including imposition of penalties as set forth in section 10-99 General penalty.

SECTION 152.070: NONCONFORMANCE PROVISIONS

a) Types of Nonconforming Status.

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

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

1) Nonconforming Lots of Record.

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

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

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

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

2) Nonconforming Uses of Land and Structure.

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

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

3) Nonconforming Structures.

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

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

b) Repairs and Maintenance.

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

c) Discontinuance of Nonconforming Uses of Land or Structures.

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

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

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

SECTION 152.080: TECHNICAL REVIEW COMMITTEE (TRC)

There is hereby created the Technical Review Committee (TRC) to provide technical review for all applications for development approval, conditional approval language, and grant final approval for development plans when authorized by the Land Development Code. TRC provides guidance to the Planning and Zoning Board on technical issues.

~~The applicant must submit the approved permit from each agency to the City upon receipt.~~

a) Meetings.

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

b) Membership and Organization.

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

SECTION 152.090: PLANNING AND ZONING BOARD

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

a) Membership; Terms of Office; Vacancies.

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

b) Meetings; Voting; Officers.

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

- 1) Meetings. The Planning and Zoning Board shall hold regular meetings at the Commission Chambers on the third Thursday of each month at 6:00 p.m. Special meetings may be called by the Chairman, when necessary.
- 2) Voting. Three (3) members of the Planning and Zoning Board shall constitute a quorum. However, regardless of the existence of a quorum, any action taken by the Board must be approved of by at least three (3) members of the Board.
- 3) Officers. The Planning and Zoning Board shall annually select from among its membership a Chairman and a Vice-Chairman. This annual selection shall occur at the regularly scheduled October meeting and shall be subject to the approval of the City Commission.
- 4) Board Chairman. The Board Chairman shall:
 - A) Secure a meeting place for all meetings,
 - B) Preside at all meetings,
 - C) Call special meetings as he or she deems necessary,
 - D) Attest to the accuracy of all minutes of meetings prior to those minutes being submitted to the City Commission, and
 - E) Form subcommittees to assist the Planning and Board in the fulfillment of its duties. ~~(TRC in place to guide P&Z on technical issues)~~
- 5) Board Members. The Board Members shall:
 - A) Members shall be appointed for three (3) year terms. A member whose term expires may continue to serve until a replacement is appointed.

- B) Members may be removed without notice or without cause by a majority vote of the City Commission.
- C) If any member fails to attend two (2) of three (3) consecutive meetings without cause ~~and or~~ without prior approval of the [Board Chairman](#), the Board shall declare the position vacant and request a replacement be appointed by the City Commission.
- D) When a vacancy occurs prior to the expiration of a term, the City Commission shall appoint a member to fill the vacancy for the duration of the term.

c) Organization and Procedures.

- 1) The Board shall annually elect a chairman and vice-chairman from among its members.
- 2) The Board shall adopt rules of procedure, in accordance with the Land Development Code and applicable law, to carry out its functions and duties.
- 3) The Board shall meet at least once per calendar month, unless canceled by the Board, ~~or its the~~ [Chairman](#), [or the City Manager or designee](#). [Special meetings may be](#) ~~and at such additional times as requested and scheduled~~ by the Chair, [City Manager or designee](#), or City Commission.
- 4) A quorum shall consist of three (3) members.
- 5) The City shall provide a recording secretary to keep minutes of the Board's meetings.

d) General Functions and Duties.

- 1) The Board shall obtain and review information as necessary to prepare and amend the Comprehensive Plan, Development Code of the City, and the Official Zoning Map of the City.
- 2) The Board shall monitor the operation and effectiveness of the Comprehensive Plan and the Land Development Code, and recommend amendments to the City Commission.
- 3) The Board shall conduct public hearings, review development applications, and perform other duties as required by the Land Development Code, including, but not limited to review of:
 - A) Annexations;
 - B) Site plans;
 - C) Rezoning;
 - D) Comprehensive Plan amendments;

E) Land Development Regulation amendments; and,

F) Plats.

~~F) Florida Statute 163.3174 of the statues permit a non-voting member representing Lake County School District to be appointed by the school board to serve on the Planning and Zoning Board as it relates to approvals that will increase residential density which has an impact to the schools.~~

4) The Planning and Zoning Board shall perform all other tasks which may be assigned to it from time to time under the provisions of the Charter.

SECTION 152.100: CODE ENFORCEMENT BOARD

~~a) Created. There is hereby created and established a Code Enforcement Board for the City.~~

~~b) Membership. The Code Enforcement Board shall be composed of five (5) members.~~

~~c) Code enforcement system adopted. The code enforcement system set forth in Chapter 162, Florida Statutes, is hereby adopted as the code enforcement system of the City.~~

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

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

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

~~6) The City Commission may designate certain of its employees or agents as Code Enforcement Officers whose duty it is to enforce codes and ordinances enacted by the City. The training and qualifications for such Code Enforcement Officers shall be determined by the City. Employees or agents who may be designated as Code Enforcement Officers may include, but are not limited to, code inspectors, law enforcement officers, animal control officers, or fire safety inspectors. Such code enforcement officers shall have the powers provided for by state law and city ordinances and act pursuant to state law.~~

~~c) Enforcement Procedures:~~

~~1) It shall be the duty of the Code Enforcement Officer to initiate enforcement proceedings of the various codes; provided however, no member of the Code Enforcement Board shall have the power to initiate such enforcement proceedings.~~

~~2) Except as provided in divisions (3) and (4) below, if a violation of the code is found, the Code Enforcement Officer or other authorized agent shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code enforcement officer or other authorized agent shall notify the Code Enforcement Board and request a hearing pursuant to the procedure set forth hereinafter. Written notice shall be mailed to such violator as provided herein.~~

~~3) If a repeat violation is found, the Code Enforcement Officer shall notify the violator but it is not required to give the violator a reasonable time to correct the violation. The Code Enforcement Officer, upon notifying the violator or a repeat violation, shall notify the Code Enforcement Board and request a hearing. The Code Enforcement Board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to Section 162.12 Florida Statutes. The case may be presented to the Code Enforcement Board even if the repeat violation has been corrected prior to the Board hearing, and the notice shall so state.~~

~~4) If the Code Enforcement Officer or other authorized agent has reason to believe a violation presents a serious threat to the public health, safety and welfare of the public, the Code Enforcement Officer or other authorized agent may proceed to directly request a hearing without notifying the violator.~~

~~d) Hearings:~~

~~1) The Chairman of the Code Enforcement Board may call hearings and hearings may also be called by written notice signed by at least two (2) members of the Code Enforcement Board. The Code Enforcement Board may at any hearing set a future hearing date. The Code Enforcement Board shall attempt to convene no less frequently than once every two months, but may meet more or less often as the demand necessitates.~~

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

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

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

~~e) Powers.~~

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

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

~~f) Fines and Liens.~~

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

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

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

~~g) Appeal.~~

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

~~h) Notices.~~

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

~~informing such person of the contents of the notice. In addition to providing notice as set forth above, at the option of the Code Enforcement Board, notice may also be served by publication or posted, as provided by state law. (Ordinance 2014-006 amended Chapter 35 of the City Code of Ordinances to provide for a Special Magistrate System.)~~

SECTION 152.110: LOCAL LAND PLANNING AGENCY

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

a) Public Meetings and Records.

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

b) Appropriation of Funds.

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

c) Powers and Duties.

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

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

~~4)5) In accordance with subsection 163.3174 of the Florida Statutes, a non-voting member representing Lake County School district may be appointed by the school board to serve on the Planning and Zoning Board Land Planning Agency as it relates to approvals that will increase residential density which has an impact to the schools.~~

CHAPTER 153

CONCURRENCY MANAGEMENT SYSTEM

SECTION 153.010: PURPOSE AND INTENT

Concurrency is a finding that the public facilities and services necessary to support a proposed development are available, or will be made available, concurrent with the impacts of the development. The provisions of this Chapter are designed to provide a systematic process for the review and evaluation of all proposed development for its impact on basic public facilities and services, as required by the [Community Planning Act](#), ~~Local Government Comprehensive Planning and Land Development Regulations Act, Chapter 163, Part II, Florida Statutes, and Rule 9J-5.0055, Florida Administrative Code,~~ and the City of Fruitland Park Comprehensive Plan.

No final development order shall be granted for a proposed development until there is a finding that all public facilities and services included in this Chapter have sufficient capacity at or above their adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development, as defined herein.

SECTION 153.020: GENERAL PROVISIONS

a) Public Facilities and Services For Which Concurrency is Required.

The provisions and requirements of this Chapter shall apply only to those public facilities and services listed below:

- 1) Roads/Traffic Circulation.
- 2) Sanitary Sewer.
- 3) Solid Waste.
- 4) Stormwater Drainage.
- 5) Potable Water.
- 6) [Recreation Facilities](#) [Public School Facilities](#).

b) Development Subject to Concurrency Review.

Unless specifically exempted below, all applications for site development plan or subdivision development plan approval, where the individual lots within the subdivision do not require site development plan approval, shall be subject to concurrency review.

1) Vested Projects.

Projects which have valid development orders or permits prior to November 26, 1991 shall be exempt from concurrency assessment. This shall include all vacant single family, duplex and single family attached dwelling lots in subdivisions which were platted and recorded prior to May 15, 1991. Residential lots of record, as defined herein, shall also be considered vested for the purpose of this Chapter.

2) Minimum Threshold.

The following development shall be exempt from the transportation and other applicable components of concurrency review:

- A) Residential projects which would result in the creation of one (1) additional single family homesite;
- B) Commercial, institutional or industrial expansion of up to ten percent (10%) of the existing gross floor area, providing such expansion is estimated to generate less than one hundred (100) vehicle trips per day. The exemption shall be allowed for only one expansion. Requests for exemptions for subsequent expansions will not be allowed; and
- C) Construction of accessory buildings and structures which do not create additional public facility demand.

In no case, however, shall a development order be issued for a minimum threshold project which would impact a public facility for which a moratorium or deferral on development has been placed.

3) Public Facilities.

Public facilities necessary to ensure the protection of the health, safety and general welfare of the citizens of Fruitland Park, including public schools (pre-kindergarten through 12th grade), shall be exempt from concurrency review. This shall include all public facility construction projects included in the Capital Improvements Program required to meet any adopted level of service standard.

c) Minimum Requirements for Concurrency.

To ensure that public facilities and services necessary to support development are available concurrent with the impacts of the development, the following standards must be met:

- 1) The necessary facilities and services must be in place at the time a development permit is issued, or the development permit will only be issued subject to the condition that the necessary facilities and services must be in place by a specified date when the impacts of the development are anticipated to occur; or

- 2) The necessary facilities must be under construction at the time a development permit is issued; or
- 3) The necessary facilities and services have been included in the Capital Improvements Program and are programmed for construction prior to or concurrent with the impacts of the proposed development; or
- 4) The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the development permit issued; or
- 5) The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement of development order issued pursuant to Chapter 380, Florida Statutes, or any other development agreement entered into between the City and a developer. The agreement must guarantee that the necessary facilities and services will be in place prior to or concurrent with the impacts of development.

~~In the case of recreation facilities, the facilities will be deemed concurrent if the facilities will be in place within one year of the issuance of the development permit and are included in a binding executed contract pursuant to Section 153.020(c)(4) above or an enforceable development agreement pursuant to Section 153.020 (c)(5) above.~~ In the case of roadway facilities, the facilities will be deemed concurrent if the necessary improvements are committed in the first three years of the applicable adopted Florida Department of Transportation Five Year Work Program, the Lake County Five Year Road Capital Improvement Program or the City of Fruitland Park Five Year Capital Improvement Program.

d) Concurrency Administration.

The City shall be responsible for the following four primary tasks associated with the administration of this Chapter:

- 1) Creating and maintaining an inventory of existing public facilities capacities or deficiencies;
- 2) Determining concurrency of minor development applications;
- 3) Providing advisory concurrency assessments and recommending conditions of approval to the City Commission for major development applications; and
- 4) Annually reporting the status of all public facilities capacities covered under this Chapter to the City Commission and the public.

SECTION 153.030: ADOPTED LEVEL OF SERVICE STANDARDS

The adopted level of service standards for those public facilities for which concurrency is required shall be as established in the City’s Comprehensive Plan, and as follows:

a) Roads/Traffic Circulation.

Functional Classification	Level of Service
Principal Arterials	CD
Major Arterial	D
Major Collector	D
Minor Collector	D
Local	D

a) Sanitary Sewer.

Residential: One hundred eleven—twenty-two (11122) gallons per day, per resident.

Commercial: Four hundred fifty (450) gallons per day.

c) Solid Waste.

Four and twenty-three one hundredths (4.23) pounds per capita, per day. Two collections per week.

d) Stormwater Drainage.

Post development run-off shall not exceed pre-development stormwater run-off volumes (Chapter 40-C4, 40-C41, 40-C42, F.A.C. (SJRWMD Rules and Regulations).

e) Potable Water.

Year	Use Standard
1990-1995 <u>2015-2035*</u>	140 <u>172.0</u> gpcpd
1996-2004	139.0 gpcpd
2005>	137.0 gpcpd
<u>*Includes commercial level of service at 850 gallons per day per commercial acre</u>	

~~f) Recreation Facilities Public School Facilities. To ensure the capacity of schools is sufficient to support student growth at the adopted Level of Service for each year of the five-year planning period and through the long term planning period, the following Level of Service standard shall be established for all schools of each type within each CSA and each individual school:~~

~~1) Elementary: One hundred (100) percent of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to one hundred twenty five (125) percent of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.~~

~~2) Middle: One hundred (100) percent of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to one hundred twenty five (125) percent of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.~~

~~3) High: One hundred (100) percent of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to one hundred twenty five (125) percent of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.~~

~~A. For purposes of 1), 2), and 3) above, non-conversion charter schools shall be counted as FISH capacity if an agreement has been entered between the charter school and the school board which requires the school facility to be constructed in accordance with Florida Department of Education standards for public schools; which provides that the school facility will be provided to the school board for its use if the charter school fails to operate satisfactorily; and, which provides that if there are financing arrangements for the school, the School Board will be able to operate the school without having to be responsible for such financing costs or that the school board is willing and able to accept responsibility for such costs.~~

~~B. For purposes of 1), 2), and 3) above, a developer financed public school shall be counted as FISH capacity if an agreement has been entered between the developer and the school board which requires the school facility to be constructed in accordance with Florida Department of Education standards for public schools; which requires that the developer transfer the school facility to the school board upon its completion; and, which provides that if there are financing arrangements for the school, the school board will be able to operate the school without having to be responsible for such financing costs or that the school board is willing and able to accept responsibility for such costs.~~

Two and three tenths (2.3) acres per 1,000 residents.

SECTION 153.040: FACILITY SPECIFIC REQUIREMENTS

a) Roads/Traffic Circulation.

1) Traffic Analysis Required.

All new development shall follow the requirements of the Lake-Sumter Metropolitan Planning Organization (MPO) Transportation Concurrency Management System (TCMS) Traffic Impact Study Methodology Guidelines Document for Lake County. ~~which is anticipated to generate two hundred fifty (250) or more trips during the peak hour of use shall be required to submit a traffic analysis which identifies the development's impact on the City's transportation system. The City may also require the submission of a traffic analysis for developments whose site location, anticipated total trip generation, circulation patterns or other such factors warrant a more extensive review of traffic impacts. Such an analysis shall include the following:~~

~~A) Total projected average daily trip ends for the proposed development.*~~

~~B) Average projected peak hour trip ends generated by the development.*~~

~~C) Design capacity of the accessed road(s).~~

~~D) Analysis of traffic distribution on the road network including all links impacted by more than ten percent (10%) of project traffic or two hundred fifty (250) trips per day, whichever is greater.**~~

~~E) Projected percentage of truck and automobile traffic.~~

~~F) Necessary operational improvements to the City's transportation system in order to maintain the appropriate level of service for the roadway.~~

~~G) Other related information as required by the City.~~

~~*The Institute of Traffic Engineers (ITE) Trip Generation Manual shall be used to calculate these estimates. Adjustments to these estimates may be made, based on special trip generation information supplied by the applicant.~~

~~**The analysis of traffic distribution shall use the variable radii approach for traffic analysis, as outlined in this section. Where appropriate, the study area radii may be expanded to include a nearby intersection, or otherwise modified to provide for a more accurate assessment of specific projects, including Development of Regional Impact (DRI's).~~

2) Variable Radii Approach for Traffic Analysis.

Traffic Impact Study Area Radii (Miles)	
<i>Land Use</i>	<i>Review Distance*</i>
Residential	
➤ Single Family	
0 – 250 du's	0.50
251 – 499 du's	1.00
500 – 1,000 du's	1.50
1,001+ du's	2.00
➤ Multi-Family	
0 – 250 du's	0.25
251 – 499 du's	0.50
500 – 1,000 du's	0.75
1,001+ du's	1.00

Traffic Impact Study Area Radii (Miles)	
<i>Land Use</i>	<i>Review Distance*</i>
Residential	
➤ Mobile Home	
0 – 250 du's	0.50
251 – 499 du's	1.00
500 – 1,000 du's	1.50
1,001+ du's	2.00
Retail	
0 – 49,000 sf	0.50
49,000 – 100,000 sf	0.75
100,001 – 200,000 sf	1.25
200,001+ sf	2.00
Office	
0 – 25,000 sf	0.50
25,001 – 49,000 sf	1.00
49,001 – 100,000 sf	1.50
100,001+ sf	2.00
Medical Office	
0 – 49,000 sf	0.50
49,001 – 100,000 sf	1.00
100,001+ sf	1.50
Hotels/Motels	
0 – 250 rooms	0.50
251 – 500 rooms	1.00
501+ rooms	1.50

Restaurants	
Fast Food/Drive-through	0.25
Family restaurant	0.50
Quality restaurant	0.75
Industrial/Manufacturing	
0 - 250 Employees	1.00
251 - 500 Employees	1.75
501+ Employees	2.50

Traffic Impact Study Area Radii (Miles)	
<i>Land Use</i>	<i>Review Distance*</i>
Convenience Store w/Gas Pumps	0.25
Drive-In Banks	0.25
Day Care Centers	0.25

*Distance is measured in miles along the road network, not as a radius from the project

- (1) The study area shall consist of those primary road sections which are located within the designated distance from the project's access points and are functionally classified in the Comprehensive Plan as Principal Arterials, Minor Arterials, Major Collectors and Minor Collectors.
- (2) Where a specific land use is not listed, the most similar land use as determined by the City Manager shall apply.

~~b) Recreation Facilities.~~

~~1) Residential Developments.~~

~~Recreational impacts of proposed residential developments shall be based on the anticipated total number of persons residing in the development, calculated by using the population figures per dwelling units as follows:~~

~~2.83 persons per household (dwelling unit)~~

~~2) Commercial/Institutional/Industrial Developments.~~

~~Commercial, institutional and industrial developments shall not be assessed as having an impact on recreational facilities. The City may, however, require the provision of recreational facilities as part of Planned Unit Developments.~~

- ~~eb) Public School Concurrency. Public school facilities concurrency shall apply to all development orders with any residential component and any amendment to an existing development order to the extent that the student generation is increased above what was previously approved, or any other official action of~~

the City of Fruitland Park having the effect of permitting residential development of land.

1) Development exempt from school concurrency. The following residential uses shall be considered exempt from the requirements of school concurrency (unless the development approval for such use required it to meet school concurrency).

A) Single-family lots having received final plat approval prior to the effective date of the City's School Concurrency Ordinance or other lots which the City has determined are vested based on statutory or common law vesting.

B) Multi-family residential development having received final site plan/plat approval prior to the effective date of the City's School Concurrency Ordinance or other multi-family residential development which the City has determined is vested based on statutory or common law vesting.

C) Amendments to residential development approvals issued prior to the effective date of the City's School Concurrency Ordinance, which do not increase the number of residential units or change the type of residential units proposed.

D) Age restricted communities (as defined in the School Concurrency Ordinance) that are subject to deed restrictions prohibiting the permanent occupancy of residents under the age of eighteen (18). Such deed restrictions must be recorded and must be irrevocable for a period of at least fifty (50) years.

E) Plats or residential site plans which include four (4) or less units. For purposes of this section, a property owner may not divide his property into several developments in order to claim exemption as allowed by this section. In making a determination as to whether a property is exempt under this section, the City shall consider in addition to the ownership at the time of the application the ownership as of the date of the adoption of this agreement.

~~2) Level of Service Requirements. To ensure the capacity of schools is sufficient to support student growth at the adopted Level of Service for each year of the five year planning period and through the long term planning period, the following Level of Service standard shall be established for all schools of each type within each CSA and each individual school:~~

~~A) Elementary: One hundred (100) percent of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to one hundred twenty five (125) percent of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.~~

~~B) Middle: One hundred (100) percent of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to one hundred twenty five (125) percent of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.~~

~~C) High: One hundred (100) percent of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to one hundred twenty five (125) percent of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.~~

~~1. For purposes of A), B), and C) above, non-conversion charter schools shall be counted as FISH capacity if an agreement has been entered between the charter school and the school board which requires the school facility to be constructed in accordance with Florida Department of Education standards for public schools; which provides that the school facility will be provided to the school board for its use if the charter school fails to operate satisfactorily; and, which provides that if there are financing arrangements for the school, the School Board will be able to operate the school without having to be responsible for such financing costs or that the school board is willing and able to accept responsibility for such costs.~~

~~2. For purposes of A), B), and C) above, a developer financed public school shall be counted as FISH capacity if an agreement has been entered between the developer and the school board which requires the school facility to be constructed in accordance with Florida Department of Education standards for public schools; which requires that the developer transfer the school facility to the school board upon its completion; and, which provides that if there are financing arrangements for the school, the school board will be able to operate the school without having to be responsible for such financing costs or that the school board is willing and able to accept responsibility for such costs.~~

32) School concurrency determination procedures. The following procedures will be utilized to obtain a School Concurrency Determination from the Lake County School Board and to allow for mitigation of a development proposal is determined not to be in compliance. A completed application provided by and delivered to the Lake County School Board must be submitted concurrent with a final development order by an applicant proposing residential development. The application at a minimum shall include the following information:

- A) Proposed development name
- B) Application type
- C) Intake date
- D) Signature of agent

- E) Number of residential units broken down by unit type
 - F) Property deed
 - G) Consent form
 - H) Phasing plan (if applicable)
 - I) Site plan
 - J) Survey
 - K) Justification statement
 - L) Location map
- 1) Within three (3) days of submitting to the school board, the applicant must present a copy of the application to the City. The City shall provide a determination of authenticity to the school board within three (3) days of receiving the application.
 - 2) The school board shall review the application in accordance with the provisions of Section 5.5.2 of the Agreement and base the concurrency determination on standards outlined in Section 5.5.3 of the Agreement.
- 4) *Issuance of development orders and mitigation procedures*
- A) No development order shall be approved unless a concurrency capacity report has been issued by the school board finding the development in compliance.
 - B) Once the school board has reviewed the application it shall issue a concurrency capacity report within thirty (30) days if the impact of the proposed developments student growth does not cause the adopted level of service to be exceeded.
 - C) If the development is not in compliance, the school board may offer the applicant the opportunity to enter into a ninety (90) day negotiation period in accordance with the provisions of Section 5.6 of the Agreement.
 - D) During the 90-day negotiation period the applicant shall meet with the school board in an effort to mitigate the impact from the development.
 - 1) Mitigation shall be limited to those options which the School Board recognizes and assumes the responsibility to operate and which will maintain the adopted Level of Service standards for the first five years from receipt of the School Board's Letter of Determination of Concurrency.
 - i. The City of Fruitland Park shall have the opportunity to review the mitigation options.

- ii. The City Commission shall approve all proportionate share agreements.
- E) If mitigation is not agreed to, the Letter of Determination of Concurrency shall detail why mitigation proposals were rejected and detail why the development is not in compliance. In this case, no development order shall be issued.
- F) If the school board and the applicant agree to mitigation, the Letter of Determination shall be issued based on the agreed mitigation measures and an agreement between the School Board, the City and the applicant.
- G) A Letter of Determination of Concurrency, finding the development in compliance, issued by the School Board shall be valid for one year from the date of issuance unless extended by the School Board. Once the development order is issued, the concurrency determination shall run with the development order.
- H) If the Letter of Determination of Concurrency requires conditions or mitigation to be placed on the development, the development order issued by the City of Fruitland Park shall incorporate those conditions as set forth by the School Board.
- G) If the Letter of Determination of Concurrency requires the development to be phased to school construction or other mitigation, the conditions of approval of the development order shall reflect the phasing requirements by withholding subsequent development orders for building permits.
- H) In no case shall a development order be issued unless provisions are made through conditions of approval or by agreement between the School Board, the City and the applicant to provide Performance Security when required.

SECTION 153.050: CONCURRENCY REVIEW PROCEDURES

The City shall be responsible for conducting all concurrency reviews as required by this Chapter. Concurrency review shall be initiated upon receipt of a completed concurrency review form as provided by the City, accompanied by the appropriate fee. The City may also conduct concurrency reviews for developments in the pre-application or conceptual development plan stage, and issue a non-binding letter of concurrency findings. Such requests for concurrency review shall require the submission of a review fee. However, the concurrency review procedures applicable to transportation and road concurrency shall be in conjunction with Section 153.050(B), herein, providing the Proportional Share Program.

- a) Application Procedures
 - 1) Application Requirements.

All development applications subject to concurrency review as required by this Chapter shall include a completed concurrency review form containing the following information:

- A) Traffic impact study (when required) or information required to estimate trip generation.
- B) Description and estimate of water use needs.
- C) Description and estimate of wastewater generation.
- D) Description and estimate of solid waste generation.
- E) Stormwater drainage calculations.
- F) Other information required by the City to conduct a complete and accurate review.

2) Levels of Review.

The applicant for development approval may request a concurrency review at various stages of the development review process. These levels include conceptual, preliminary and final approval. The information required in Section 153.050(a)(1) above is required for each level of concurrency review.

- A) **Conceptual Concurrency Review** – a conceptual concurrency review can be requested at the time of application for a land use amendment or rezoning. If it is found that public facility capacities are available at adopted levels of service at the time of the application, a letter of concurrency will be issued.
- B) **Preliminary Concurrency Review** – a preliminary concurrency review can be requested at the time of application for a site plan approval, Planned Unit Development (PUD) approval, subdivision or preliminary plat approval. If it is found that facility capacities are available at adopted levels of service at the time of the application, a letter of concurrency will be issued.
- C) **Final Concurrency Review** – A final concurrency review is required at the time of application of final development order approval. A final development order includes final plat approval, building permit, land development permit, Developments of Regional Impact (DRI's) and Florida Quality Developments (FQD's). The finding that public facilities capacities are available at adopted levels of service at the time of final development approval will result in the issuance of a certificate of concurrency.

The reservation of capacities will be as specified in Section 153.060 of this Chapter of the Code.

Letters of concurrency are intended to be used for an early assessment of available public facility capacities and are not intended to be an assurance that such capacities will be available at the time of the project's final development order application. No final development order will be issued until a certificate of concurrency is issued by the City.

Review and approval of a proposed development may be postponed for a reasonable period in order for required information to be assembled. Failure of the applicant to provide adequate information on the anticipated project impacts in a timely fashion, however, shall constitute sufficient grounds to deny the project.

b) Project Impact Assessment.

1) *Existing Conditions.*

To conduct its assessment of the anticipated impacts of a proposed development on public facilities, the City shall use its Inventory of Public Facilities Capacities as a base for the establishment of existing conditions.

2) *Impact Assessment.*

Using its own information and that supplied by the applicant in compliance with Section 153.050(a)(1) above, the City shall calculate the anticipated impacts of a proposed development for all applicable public facilities listed in Section 153.020(a) of this Chapter. The impacts of the proposed development shall then be assessed against the existing conditions established above.

c) Project Phasing/Timing of Improvements.

Public facility improvements associated with a phased development may likewise be phased, provided that all public improvements necessary to accommodate the impacts of the entire development are to be provided and a schedule established for their construction prior to the issuance of a building permit. The schedule of facility improvements shall ensure that all facility improvements necessary to accommodate the impacts of the development (or portion thereof) for which a certificate of occupancy has been applied, shall be in place prior to the issuance of the certificate. Under no circumstances shall the final certificate of occupancy be issued for a project unless all facility improvements required by the development order or development agreement have been completed.

d) Development Agreements.

It is the City's policy to provide the necessary infrastructure to meet minimum LOS standards. If the minimum requirements for concurrency as outlined in Section 153.030 cannot be met, concurrency may be achieved by guaranteeing necessary facility improvements in an enforceable development agreement, as permitted by Section 153.020(c)(5). Said development agreement may include guarantees to construct required facility

improvements, or to provide funds equivalent to the cost of providing such facility improvements.

e) Concurrency Findings.

Upon the conclusion of the concurrency review, the City shall prepare a written set of findings concerning the proposed development. These findings shall include, but are not limited to:

- 1) The anticipated public facility impacts of a proposed development;
- 2) The ability of existing facilities to accommodate the proposed development at the adopted level of service standards;
- 3) Any existing facility deficiencies that will need to be corrected prior to the completion of the proposed development;
- 4) The facility(s) improvement or additions necessary to accommodate the impact of the proposed development at the adopted level of service standard and the entity(s) responsible for the design and installation of all required facility improvements or additions; and
- 5) The date such facility(s) improvement or additions will need to be completed to be concurrent with the impacts on such facility(s) created by the proposed development.

SECTION 153.050(B): PROPORTIONATE SHARE PROGRAM.

1) Purpose and Intent.

The purpose of this ordinance is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair Share Program, as required by and in a manner consistent with §163.3180(16), Florida Statutes. This ordinance also provides methods and procedures for Lake County and the City of Fruitland Park ("City") to coordinate the Proportionate Fair Share Program.

2) Applicability.

The Proportionate Fair Share Program shall apply to all proposed developments in the City that have been notified by the City Manager or his designee of a lack of capacity to satisfy transportation concurrency on a transportation facility in the County Concurrency Management System (CMS) or the CMS of the City, including transportation facilities maintained by FDOT, Lake County, City, or another jurisdiction, that are relied upon for concurrency determinations, pursuant to the requirements of Section 5 of this Ordinance. The Proportionate Fair-Share Program does not apply to developments exempted from concurrency as may be provided herein or by state law.

3) Definitions.

Concurrency is defined as: "transportation facilities needed to serve new development shall be in place or under actual construction within 3-years after the local government approves a building permit or its functional equivalent that results in traffic generation" (~~§163.3180(2)(c), F.S.~~).

De minimis is defined as: an impact that would not affect more than one (1) percent of the maximum service volume at the adopted level of service of the affected transportation facility as determined by the local government.

County is defined as Lake County.

Municipality is defined as any affected municipality within Lake County.

SIS is a Strategic Intermodal System as defined in section 339.64, Florida Statutes.

4) General Requirements.

A. An applicant may choose to satisfy the transportation concurrency requirements of the County or City or both by making a proportionate fair-share contribution, pursuant to the following requirements:

(1) The five-year schedule of capital improvements in the Capital Improvements Element (CIE) or the long-term schedule of capital improvements for the long-term CMS includes a transportation improvement(s) that, upon completion, will satisfy the then existing requirements of the applicable CMS. The provisions of Section 153.050(B)(4)(A)(2) of this Ordinance may apply if a project or projects needed to satisfy concurrency are not presently contained within the applicable CIE(s) or the adopted long-term schedule of capital improvements.

(2) A proportionate share contribution may involve the addition of transportation capacity through several means including but not limited to: the physical widening and/or reconstruction of a roadway to add capacity; or where the primary roadway is constrained or widening is no longer desired, the addition of transportation capacity could involve creating new reliever roadways; new network additions; contributing to new transit capital facilities (e.g., bus rapid transit corridor); contributing to the expansion of bus fleets to increase service frequency; or any other means determined by City to add transportation capacity sufficient to mitigate impacts.

B. City may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by approving the applicant's contribution to an improvement or improvements that, upon completion, will satisfy the requirements of the applicable CMS, but is not contained in the five-year schedule of capital improvements in the CIE(s) or a long-term schedule of capital improvements for an adopted long-term CMS, where the following apply:

- (1) City adopts, by ordinance, a commitment to add the improvement to the schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the appropriate jurisdictions and agencies and must be determined to be financially feasible pursuant to §163.3180~~(16)~~ ~~(b)~~ ~~1~~, F.S., consistent with the comprehensive plan, and in compliance with the provisions of this ordinance.

Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities. If a transportation facility proposed for the Proportionate Share Program is under the jurisdiction of another entity, such as the County or FDOT, the proposed capacity improvement shall be included in the five-year Work Program of that jurisdiction or, in the case of the County and when the improvement is not in the Work Program, through resolution or ordinance, there shall be an adoption of a commitment to add the improvement to the schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update.

- (2) -If the funds allocated for the schedule of capital improvements in the CIE are insufficient to fully fund construction of a transportation improvement required by the CMS, the City may still enter into a binding proportionate fair-share agreement with the applicant. The agreement may authorize construction of that amount of development if the proportionate fair-share amount in such agreement is determined to be sufficient to pay for one or more improvements that will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate fair-share component must, for each affected local jurisdiction, be adopted into the capital improvements schedule of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term concurrency management system at the next annual capital improvements element update.
- (3) Any improvement project proposed to meet the developer's fair-share obligation must meet design standards of the County for locally maintained roadways and those of the FDOT for the state and federal highway system.
- (4) Pursuant to Chapter 163.3177, F.S., the CIE must include transportation improvements included in the Lake Sumter MPO Transportation Improvement Plan (TIP) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. If City relies upon scheduled improvements to

a County facility to ensure concurrency and financial feasibility, the scheduled improvements from the County's Work program must be included in the City's CIE. All CIEs must also be coordinated with the adopted Lake Sumter MPO's Long Range Transportation Plan (LRTP) for planning purposes.

5) Intergovernmental Coordination.

- (a) In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, City may enter into an agreement with one or more adjacent local governments to address cross-jurisdictional impacts of development on regional transportation facilities. Such agreement shall provide for application of the methodology in this section to address the cross-jurisdictional transportation impacts of development.
- (b) A development application shall be subject to this section when a transportation concurrency determination is made by City that indicates the development will have an adverse impact on the adopted level of service standard on one or more facilities in a neighboring jurisdiction.
- (c) Upon identification of an impacted regional facility, City shall notify the applicant and the other affected jurisdictions in writing of the potential proportionate fair-share agreement, based on the projected impacts of the proposed development on the impacted adjacent facility.
- (d) Pursuant to policies in the Intergovernmental Coordination Element of the County and Municipality's comprehensive plan(s) and applicable policies in the Lake Sumter MPO 2025 Long Range Transportation Plan, City, upon receipt of an application for proportionate fair share mitigation, shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of City. Proportionate fair-share contributions should be applied toward the impacted facility. However, impacted facilities within City may be maintained by an agency other than the local government executing the proportionate fair-share agreement (e.g., a county or state road within the city limits). Therefore, the City should work with other affected agencies to establish a procedure for coordinating mitigation to impacted facilities that are maintained by another agency. An interlocal agreement may be established with other affected jurisdictions for this purpose.

6) Application Process.

- (a) Upon notification by the City Manager or designee of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing by City of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of Section 5 of this Ordinance.
- (b) Prior to processing an application for a proportionate fair-share agreement, City shall conduct a pre-application meeting with all

affected jurisdictions to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is a state facility, then City shall invite FDOT to participate in the pre-application meeting. City shall include, for purposes of such pre-application meeting, the jurisdiction maintaining the transportation facility that is subject to the agreement, if other than City.

- (c) The City Manager or designee shall review the application and certify that the application is sufficient and complete within 10 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program as indicated in Section 5 of this Ordinance, then City shall notify the applicant in writing of the reasons for such deficiencies within 10 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. The City Manager or designee may, in his discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.
 - (d) Pursuant to §163.3180(16)(e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the approval of FDOT. Accordingly, City shall require the applicant to submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
 - (e) When an application is deemed sufficient, complete, and eligible by City Manager or his designee, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the City and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, no later than 60 days from the date at which the applicant received the notification of a sufficient application and no fewer than 14 days prior to City's City Commission meeting at which the agreement is to be considered.
 - (f) City shall notify the applicant of the date of City's City Commission meeting at which the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the City Commission of City.
- 7) Determining Proportionate Fair Share Obligation.
- (a) Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively: private funds, contributions of land, and construction of and contribution of facilities.
 - (b) A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate

fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.

- (c) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Section 163.3180 ~~(12)~~, F.S. ~~5-7~~ as follows:

$$\text{Proportionate Fair-Share} = \Sigma[(\text{Development Trips}_i) / (\text{SV Increase}_i)] \times \text{Cost}_i$$

Where:

Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the CMS; only those trips that trigger a concurrency deficiency will be included in the proportionate fair-share calculation;

SV Increase_i = Service volume increase contributed by the eligible improvement to roadway segment "i";

Cost_i = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

- (1) For the purposes of determining proportionate fair-share obligations, the City shall determine improvement costs based upon the actual cost of the improvement as obtained from cost estimates contained in the CIE, the Lake County Transportation Construction Program or the FDOT Work Program, as deemed applicable by City. Where such information is not available, improvement cost shall be determined by the following method: an analysis conducted by the jurisdiction maintaining the facility of costs by cross section type that incorporates data from recent projects and is updated annually and approved by such maintaining jurisdiction. In order to accommodate increases in construction material costs, project costs shall be adjusted through time by such inflationary index as is determined by City.
- (d) If City has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this section.
- (e) If City has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at 120 percent of the most recent assessed value by the Lake County property appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by City and at no expense to City. The applicant shall supply a survey and legal description of the land and a certificate of title or title search of the land to City at no expense to City. If the estimated value of the right-of-way dedication proposed

by the applicant is less than City's calculation of the total proportionate fair-share obligation for that development, then the applicant shall pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations.

8) Impact Fee Credit for Proportionate Fair Share Mitigation.

- (a) Proportionate fair-share contributions shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by any transportation impact fee ordinance.
- (b) Impact fee credits for the proportionate fair-share contribution shall be determined by the local government assessing the impact fees when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the Proportionate Fair-Share Agreement per the Impact Fee Ordinance of the jurisdiction within which the affected roadway facility lies, and if the facility lies within more than one jurisdiction, the impact fee credits shall be prorated accordingly. If the applicant's proportionate fair-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor shall pay the remaining impact fee amount to the local government assessing the impact fees pursuant to the requirements of the applicable impact fee ordinance(s).
- (c) The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location unless provided for within the local impact fee ordinance.

9) Proportionate Fair Share Agreements.

- (a) Upon execution of a proportionate fair-share agreement City shall provide the applicant with a certificate of concurrency. Should the applicant fail to apply for a development order within 12 months of the execution of the Agreement, then such certificate of concurrency shall be considered null and void, and the applicant shall be required to reapply for a concurrency determination. In addition, if the proposed development's impacts were the only impacts causing the potential deficient operation of the facility, the specific project may be removed from the CIE.
- (b) Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order which for the purposes of this section shall be recording of the final plat if the property to be developed is being subdivided, approval of the final site plan for a

development which entails multiple residential or commercial units but is not being subdivided, and issuance of a building permit if the development consists of a single use structure on land not being subdivided. Once paid, contributions shall be non-refundable. If the payment is submitted more than six (6) months from the date of execution of the Agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to Section 8 of this Ordinance and adjusted accordingly.

- (c) All transportation improvements undertaken by the developer authorized under this ordinance must be completed prior to issuance of a final development order, or as otherwise established in a binding agreement that is accompanied by a security instrument sufficient to ensure the completion of all required improvements.
- (d) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to City's issuance of the certificate of concurrency.
- (e) Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent that the proposed change would generate additional traffic that would require mitigation.
- (f) Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the County or City will be non refundable.
- (g) City may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.

10) Appropriation of Fair Share Revenues.

- (a) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in City's CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the City, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).
- (b) In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of Section 153.050(B)(4)(2)(b) of this ordinance.

- (c) Where an impacted regional facility has been designated as a regionally significant transportation facility on the Lake-Sumter MPO Regionally Significant Corridors Map, then the City may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the City through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.
- (d) Where an applicant constructs a transportation facility that exceeds the applicant's proportionate fair-share obligation calculated under Section 8 of this Ordinance, the City, at City's option, shall reimburse the applicant for the excess contribution using one or more of the following methods:
 - (1) An impact fee credit account may be established for the applicant in the amount of the excess contribution, a portion or all of which may be assigned and reassigned under the terms and conditions acceptable to City; or
 - (2) An account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair-share payments from future applicants on the facility.
 - (3) The City may compensate the applicant for the excess contribution through payment or some combination of means acceptable to both City and applicant.

SECTION 153.060: CONCURRENCY RESERVATION

a) Capacity Reservation.

1) Letter of Concurrency.

The issuance of a letter of concurrency as provided in Section 154.050 of this Chapter of the Code is intended to advise the applicant for development approval of the public facilities capacities available at the time of application. The letter of concurrency will be valid only for the duration of that development approval process. After approval of the land use plan amendment, rezoning, site plan approval, Planned Unit Development (PUD) approval, subdivision approval or preliminary plat approval, it is the applicant's responsibility to submit an application for a certificate of concurrency prior to final development plan approval by the City.

2) Certificate of Concurrency.

If the concurrency findings in Section 1534.050 reveal that the capacity of public facilities is equal to or greater than that required to maintain the

adopted level of service for said facilities, the City Manager shall reserve, or recommend to the City Commission the reservation of, public facility capacity necessary for the proposed development.

Capacity reservations shall be made on a first-come, first-served basis, based on the date of project approval by the City Manager or City Commission. Concurrency shall be reserved in conjunction with a development order and shall be valid only for the specific land uses, densities, intensities and construction and improvement schedules contained in the development order and any applicable development agreements for the property. A finding of concurrency shall reserve public facility capacity for the project for one year from the date of the approval of the development order for site plans and two years from the date of the approval of the development order for subdivisions and Planned Unit Developments (PUD's). Capacity reservations for concurrency shall expire if the underlying development order or development agreement expires or is revoked.

b) Project Deferrals/Development Moratoriums.

If, at any time the City's inventory of public facilities capacities indicates that a public facility has dropped below its adopted level of service, then the City shall cease to issue development orders for projects which would impact the deficient facility(s) or area of facility operations, as defined within this Chapter. Such a suspension or moratorium on the issuance of development orders shall continue until such time as the adopted LOS standard is reestablished or the Comprehensive Plan is amended to reflect a lower, acceptable community standard for the facility(s) in question.

c) Concurrency Denials.

In the event that the City's concurrency review reveals that the proposed development would generate public facility impacts beyond that which can be absorbed by available capacity, the City shall ensure that there is a financial or other legally binding commitment to ensure that public facilities necessary to correct the anticipated deficiency will be in place concurrent with the impacts of the proposed development. Should the City and/or a developer be unable to provide such assurances, the project shall be denied. Projects denied due to failure to meet requirements, but for which all other land development requirements have been met, shall be placed on a prioritized list for approval of development orders once facility improvements have been made.

d) Capacity Reservation for Public Purpose.

The City may reserve capacity for a particular land area or specific land use, providing such reservation is in accord with a specific development or redevelopment strategy identified in the Comprehensive Plan which serves an overriding public purpose. This would include such community development objectives as providing affordable housing or diversification of the tax base. Any such capacity reservations shall be noted in the annual report on public facilities and capacities made available to the City Commission and the public each March, as required by Section 153.070 below.

SECTION 153.070: STATUS REPORT/REQUIRED CAPITAL FACILITIES IMPROVEMENTS

The City shall regularly monitor the cumulative effect of all approved development orders and development permits on the capacity of public facilities. Upon adoption of this Code and on each March thereafter, the City Manager shall prepare and present to the City Commission and the public a report on the Public Facilities Capacities and Level of Service Inventory for Concurrency Management. This report shall include the degree of any facility deficiencies and a summary of the impacts the deficiency(s) will have on the approval of future development orders. The City Manager shall then recommend a schedule of improvements necessary to prevent a deferral or moratorium on the issuance of development orders.

SECTION 153.080: INTERGOVERNMENTAL COORDINATION

a) Intergovernmental Communication.

The City Manager shall regularly transmit to adjacent municipalities and Lake County, notice of all pending development applications for which concurrency assessments are being conducted.

b) Developments of Multi-Jurisdictional Impact.

Developments which would impact a public facility in one or more adjacent municipalities and/or the County shall be subject to an intergovernmental review for concurrency. This review shall be conducted by designated officials from the affected municipalities and/or Lake County.

c) Joint Planning Area Agreements.

Provisions consistent with the purpose and intent of this Chapter shall be included, when applicable, in all interlocal agreements executed after the effective date of Land Development Code to which the City is a party.

d) For development that requires one or more public facilities which are provided by entities other than the city, the city shall condition the issuance of any final development order for the same parcel on the availability of such public facilities.

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

All development shall have a total land area sufficient to satisfy all standards stipulated within the Land Development Code, including but not limited to:

- 1) Setback requirements;
 - 2) Open space, buffers and landscaping requirements;
 - 3) Surface water management;
 - 4) Water and wastewater facilities;
 - 5) Access, internal circulation and required off-street parking;
 - 6) Environmental protection; and
 - 7) Soil erosion and sedimentation control standards.
- a) 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.
- b) 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 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 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

<u>FUTURE LAND USE DESIGNATION</u>	<u>MAXIMUM¹ DENSITY</u>	<u>MAXIMUM INTENSITY</u>	<u>ZONING CATEGORIES</u>
<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. & 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. & 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. & 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. & 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 2nd or 3rd 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, PUD, PFD</u>
<u>Industrial</u>	<u>N/A</u>	<u>ISR .75 FAR .50</u>	<u>I, PUD</u>
<u>Institutional</u>	<u>N/A</u>	<u>ISR .70 FAR .30</u>	<u>PFD, PUD</u>
<u>Recreation</u>	<u>N/A</u>	<u>ISR .30 FAR .30</u>	<u>PFD, GB</u>
<u>Open Space</u>	<u>1 unit/acre</u>	<u>ISR .35</u>	<u>PFD, GB</u>

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

<u>ZONING DISTRICTS (OLD)</u>	<u>ZONING DISTRICTS (NEW)</u>
<u>R-1 "Single Family Low Density Residential"</u>	<u>R-2 "Single Family Low Density Residential"</u>
<u>R-2 "Single Family Medium Density Residential"</u>	<u>R-4 "Single Family Medium Density Residential"</u>

<u>R-2A "Medium Density Residential"</u>	<u>R-8 "Multi-Family Low Density Residential"</u>
<u>R-3A "High Density Residential/Neighborhood Commercial"</u>	<u>R-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 Mixed Use"</u>
<u>C-1 "Neighborhood Commercial"</u>	<u>C-1 "Neighborhood Commercial"</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-~~1~~2 "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-~~1~~2 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 for non-paying guests or family members pursuant to Section 156.010 of the Land Development Code. Accessory dwelling unit may not be rented separately or sold

separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage and maximum square footage pursuant to the zoning district.

- iii) Customary accessory structures incidental to the principal structure pursuant to Section 156.010 of the Land Development Code.
- 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.

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.
- vii) Adult Entertainment

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.

E) Design Standards

- i. Minimum lot size shall be twenty thousand (20,000) square feet.
- ii. Minimum lot width shall be one hundred feet (100') at 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.
- iii. Maximum building height shall be thirty-five feet (35'). Maximum building height may be increased if adequate fire protection

measures are provided and approved by the City Fire Inspector and Building Official.

- iv. Minimum setbacks requirements:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway - Twenty feet (20')
Another lot - Fifteen feet (15')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways - Twenty feet (20')
Another lot - Twenty-five feet (25')
Garage setback from roadway: Twenty-five feet (25')
- v. Maximum building coverage: Thirty percent (30%).
- vi. Minimum living area shall be one thousand twelve hundred (1,200) square feet exclusive of porches, garages or utility rooms.
- vii. The minimum open space shall be twenty-five percent (25%).

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 the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to Section 154.040 of the Land Development Code.
- ~~iv)~~ ~~iii)~~ Guest/servant quarters—Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development Code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
- ~~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.

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

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

ii) ~~L~~ 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~~ .

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.

vi) Single family attached dwelling units.

vii) **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) *Design Standards*

- i. Minimum lot size shall be ten thousand (10,000) square feet provided central sewer is utilized. Minimum lot size shall be twelve thousand five hundred (12,500) square feet when septic tanks are utilized.
- ii. Minimum lot width shall be eighty feet (80') at 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.
- iii. Maximum building height shall be thirty-five feet (35'). Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.
- iv. Minimum setbacks requirements:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway - Twenty feet (20')
Another lot - Ten feet (10')

- Garage setback from roadway: Twenty-five feet (25')
- c. Rear: Local roadways – Twenty feet (20')
- Another lot - Twenty feet (20')
- Garage setback from roadway: Twenty-five feet (25')
- v. Maximum building coverage: Thirty percent (30%).
- vi. Minimum living area shall be one thousand twelve hundred (1,200) square feet exclusive of porches, garages or utility rooms.
- vii. The minimum open space shall be twenty-five percent (25%).

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 to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
- iv) ~~Guest-servant-quarters-Accessory dwelling unit for non-paying guests or family members~~ pursuant to Section 156.010 of the Land Development code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to Section 154.040 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)~~ 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.

xi) Small and Medium Home Stay Bed and Breakfast Inn

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.

C) Uses Expressly Prohibited.

i) General Commercial land uses.

ii) Industrial land uses.

iii) Adult Entertainment.

iv) 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.

E) Design Standards

- i. Minimum lot size for single family dwellings shall be eight thousand (8,000) square feet provided central sewer is utilized. Minimum lot size for single family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- ii. Minimum lot size for multi-family dwellings shall be six thousand (6,000) square feet provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- iii. Minimum lot size for triplex units shall be nine thousand (9,000) square feet provided central sewer is utilized. Minimum lot size shall be fifteen thousand (15,000) square feet when septic tanks are utilized.
- iv. Minimum lot width for single family shall be sixty-five feet (65') at 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.
- v. Minimum lot width for multi-family shall be sixty feet (60') provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized. All lot widths are measured at 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.

- vi. Maximum building height shall be thirty-five feet (35'). Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.
 - vii. Minimum setbacks requirements for single family, duplex and triplex units:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway - Twenty feet (20')
Another lot - Ten feet (10')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways - Twenty feet (20')
Another lot - Twenty feet (20'). Each additional story of triplex units will add five feet (5') to the rear setback.
Garage setback from roadway: Twenty-five feet (25')
 - viii. Minimum setbacks requirements for multi-family units:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway - Twenty feet (20')
Another lot - Fifteen feet (15')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways - Twenty feet (20')
Another lot - Twenty feet (20').
Garage setback from roadway: Twenty-five feet (25')
 - ix. Maximum building coverage: Thirty percent (30%). Minimum living area for single family shall be one thousand (1,000) square feet exclusive of porches, garages or utility rooms. Minimum living area for multi-family, duplex and triplex shall be six hundred (600) square feet exclusive of porches, garages or utility rooms.
 - x. The minimum open space shall be twenty-five percent (25%).
- 4) R-3A "High Density Residential/Neighborhood Commercial". 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. Any future request for commercial development in this category will require rezoning to Planned Unit Development consistent with Section 154.030(d)(10).

- 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 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 square feet, when approved through the Planned Unit Development process in Section 154.030(d)(10).
- 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) Commercial land uses greater than 25,000 square feet.
 - ii) Industrial land uses.
 - iii) Adult Entertainment ~~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.

5) ~~R-2A "High Density Residential/Neighborhood Commercial~~ R-10 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 to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to Section 154.040 of the Land Development Code.
- vi) Accessory dwelling units for non-paying family members pursuant to Section 156.010 of the Land Development Code. Accessory dwelling unit may not be rented or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
- 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) Small, Medium and Large Homestay Bed and Breakfast Inn.

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.

C) Uses Expressly Prohibited.

- i) General Commercial land uses
- 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.

E) Design Standards

- i) Minimum lot size for single family dwellings shall be eight thousand (8,000) square feet provided central sewer is utilized. Minimum lot size for single family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- ii) Minimum lot size for multi-family dwellings shall be six thousand (6,000) square feet provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- iii) Minimum lot size for triplex units shall be nine thousand (9,000) square feet provided central sewer is utilized. Minimum lot size shall be fifteen thousand (15,000) square feet when septic tanks are utilized.
- iv) Minimum lot width for single family shall be sixty-five feet (65') at 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.
- v) Minimum lot width for multi-family shall be sixty feet (60') provided central sewer is utilized. 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.
- vi) Maximum building height shall be thirty-five feet (35'). Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.
- vii) Minimum setbacks requirements for single family, duplex and triplex units:

- a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
- b. Side: Local roadway – Twenty feet (20')
Another lot - Ten feet (10')
Garage setback from roadway: Twenty-five feet (25')
- c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20'). Each additional story of triplex units will add five feet (5') to the rear setback.
Garage setback from roadway: Twenty-five feet (25')
- viii) Minimum setbacks requirements for multi-family units:
 - a. Front yard: Thirty feet (30')
 - b. Front yard garage: Twenty-five feet (25')
 - c. Side yard: Fifteen feet (15')
 - d. Rear yard: Thirty feet (30')
- ix) Maximum building coverage: Thirty percent (30%).
- x) Minimum living area for single family shall be one thousand (1,000) square feet exclusive of porches, garages or utility rooms. Minimum living area for multi-family, duplex and triplex shall be six hundred (600) square feet each exclusive of porches, garages or utility rooms.
- xi) The minimum open space shall be twenty-five percent (25%).

~~6) 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 to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to Section 154.040 of the Land Development Code.
- vi) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land

Development code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.

~~vi)~~vii) Home Occupations pursuant to Section 156.020 of the Land Development Code.

Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents.

viii) Small, Medium and Large Homestay Bed and Breakfast Inn.

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.

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) *Design Standards*

- i) Minimum lot size for single family dwellings shall be eight thousand (8,000) square feet provided central sewer is utilized. Minimum lot size for single family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- ii) Minimum lot size for multi-family dwellings shall be six thousand (6,000) square feet provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- iii) Minimum lot size for triplex units shall be nine thousand (9,000) square feet provided central sewer is utilized. Minimum lot size shall be fifteen thousand (15,000) square feet when septic tanks are utilized.
- iv) Minimum lot width for single family shall be sixty-five feet (65') at 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.
- v) Minimum lot width for multi-family shall be sixty feet (60') provided central sewer is utilized. 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.
- vi) Maximum building height shall be thirty-five feet (35'). Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.
- vii) Minimum setbacks requirements for single family, duplex and triplex units:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway - Twenty feet (20')
Another lot - Ten feet (10')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways - Twenty feet (20')
Another lot - Twenty feet (20'). Each additional story of triplex units will add five feet (5') to the rear setback.
Garage setback from roadway: Twenty-five feet (25')
- viii) Minimum setbacks requirements for multi-family units:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway - Twenty feet (20')
Another lot - Fifteen feet (15')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways - Twenty feet (20')
Another lot - Twenty feet (20').
Garage setback from roadway: Twenty-five feet (25')
- ix) Maximum building coverage: Thirty percent (30%).
- x) Minimum living area for single family shall be one thousand (1,000) square feet exclusive of porches, garages or utility rooms. Minimum living area for multi-family, duplex and triplex shall be six hundred (600) square feet each exclusive of porches, garages or utility rooms.
- xi) The minimum open space shall be twenty-five percent (25%).

7)

8) 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) Customary accessory structures to the principal structure pursuant to Section 156.010 of the Land Development Code.

The accessory structures shall comply with maximum building coverage pursuant to Section 154.040 of the Land Development Code.

iii) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.

iv) Business services.

v) Financial Services.

vi) Personal Services.

vii) Multi-family dwelling units.

viii) Medical office/Clinic.

ix) Home occupations pursuant to Section 156.020 of the Land Development Code.

x) Small, Medium and Large Homestay Bed and Breakfast Inn

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.

C) *Uses Expressly Prohibited.*

i) Commercial parking.

ii) Industrial land uses.

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

iv) 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) Design Standards
 - i) Minimum lot size shall be ten thousand (10,000) square feet provided central sewer is utilized. Minimum lot size shall be twelve thousand five hundred (12,500) square feet when septic tanks are utilized.
 - ii) Minimum lot width shall be one hundred feet (100') at 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.
 - iii) Maximum building height shall be thirty-five feet (35'). Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire and Building Official.
 - iv) Minimum setbacks requirements:
 - a. Front yard: Thirty feet (30')
 - b. Front yard garage: Twenty-five feet (25')
 - c. Side yard: Ten feet (10')
 - d. Rear yard: Twenty feet (20').
 - v) Maximum Impervious Surface Ratio: seventy percent (70%). The minimum open space shall be twenty-five percent (25%).

9) 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) Small, Medium and Large Homestay Bed & Breakfast Inn.
- xiv) Office Complex.
- xv) Maintenance General Contractor.
- xvi) Medical Office/Clinic.
- xvii) Family Amusement Arcade
- xviii) Adult Arcade Amusement Center/Internet Café as define in Chapter 116 of City Code of Ordinances
- xix) Licensed Medical Marijuana Treatment Centers as proved in s. 381.986, Florida Statutes.

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.

vii) Outside storage.

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 and approved by the City Fire Inspector and Building Official.

F) Design Standards

i) Minimum lot size shall be fifteen thousand (15,000) square feet.

ii) Minimum lot width shall be one hundred twenty-five feet (125') at 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.

iii) Minimum setbacks requirements:

a. Front yard: Thirty feet (30')

b. Side yard: Ten feet (10'). A zero lot line is allowed on one side setback only with a minimum of ten feet (10') on the opposite side.

c. Rear yard: Fifteen feet (15').

iv) The minimum open space shall be twenty-five percent (25%).

10)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) Mobile Home Sales.~~
- ~~xxii) Motor Vehicle and Boat Storage Facilities.~~
- ~~xxiii) Motor Vehicle Dealer Sales.~~
- ~~xxiv) Motor Vehicle Sales.~~

- ~~xxvi)~~xxi) Motor Vehicle Service Centers.
- ~~xxvii)~~xxii) Motor Vehicle Service Stations.
- ~~xxviii)~~xxiii) Offices.
- ~~xxix)~~xxiv) Office Complex.
- ~~xxx)~~xxv) Office Supplies.
- ~~xxxi)~~xxvi) Pawn Shops.

xxvii) Personal Services.

xxviii) Restaurants.

xxix) Retail Home Building Materials.

xxx) Retail Sales and Services.

xxxi) Shopping Center.

xxxii) Theaters.

xxxiii) Transportation Service.

xxxiv) Wholesales and Distributors.

xxxv) Veterinary Clinic.

xxxvi) Licensed Community residential homes, group homes and foster care facilities with more than six (6) residents.

xxxvii) One single family dwelling unit for owners/caretakers residence.

xxxviii) Motor Vehicle Repair Facility.

xxxix) Xerographic and Offset Printing.

xl) Commercial parking.

xli) Family Amusement Arcade

xl ii) Adult Arcade Amusement Center/Internet Cafes as defined in Chapter 116 of the City Code of Ordinances

xl iii) Licensed Medical Marijuana Treatment Centers as Provided in s, 381.986, Florida Statutes.

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) Natural Gas/Propane Distribution Centers

v) Mobile Homes Sales.

vi) Motor Vehicle and Boat Storage Facilities.

vii) Motor Vehicle Dealer Sales.

~~iv)~~viii) Motor Vehicle Sales.

C) Uses permitted as a Conditional Use Approval of the City Commission

i) Mini-warehouses.

D. *Uses Expressly Prohibited.*

i) Residential uses, except as stated above in Section 154.030 (8)(A)(xxxvii) and (8)(A)(xxxviii).

ii) Industrial uses.

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

iv) Adult Entertainment.

v) Outside storage.

E. *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.

F. *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 and approved by the City Fire Inspector and Building Official.

G. Design Standards

i) Minimum lot size shall be twenty thousand (20,000) square feet.

ii) Minimum lot width shall be one hundred fifty feet (150') at 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.

iii) Minimum setbacks requirements:

a. Front yard: Fifty feet (50')

b. Side yard: Ten feet (10'). A zero lot line is allowed on one side setback only with a minimum of ten feet (10') on the opposite side.

c. Rear yard: Fifteen feet (15').

iv) The minimum open space shall be twenty-five percent (25%).

11) _____ *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) Maintenance Contractor
- xxi) Motor Vehicle Service Center
- xxii) Motor Vehicle Service Station

- xxiii) Transportation Service
- xxiv) Family Amusement Arcade
- xxv) Adult Arcade Amusement Center/Internet Cafes
- xxvi) Adult Entertainment

a) Adult entertainment uses shall be permitted as long as they are not located nearer than five hundred (500) feet to any other adult entertainment establishment, or nearer than five hundred (500) feet to any place of worship, child care center, or educational center, except vocational and technical schools, colleges and universities.

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.

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 and approved by the City Fire Inspector and Building Official.

F) *Design Standards*

- i) Minimum lot size shall be thirty thousand (30,000) square feet.
- ii) Minimum lot width shall be two hundred fifty feet (200') at 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.

- iii) Minimum setbacks requirements:
 - a. Front yard: Fifty feet (50')
 - b. Side yard: Twenty-five feet (25').
 - c. Rear yard: Twenty-five feet (25').
- iv) The minimum open space shall be twenty-five percent (25%).

12) 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-~~±2~~, 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 & 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 & 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.

^aMaximum Density/Intensity.

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

^bPUD 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 one (1) hardcopy along with one (1) electronic copy 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 following requirements as outlined below. This plan can be submitted in lieu of the conceptual plan.
- a) All items required for submittal of a Conceptual Plan outlined in 154.030 (d)(12)(g)(i).
 - 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) Acreage of lots, drainage areas, common areas and other uses; and the minimum lot size, average lot size and total number of lots, lot typical details including interior and corner lots, setbacks, phase lines, future land use, zoning, density and open space. Future land use and zoning information for adjacent properties.
 - d) Existing topography using one (1) foot contours based upon National Geodetic Vertical datum, and delineation of Flood Insurance Rate Map flood zones. All development located partially within or wholly within the Special Flood Hazard Area must be completed in accordance with Section 161.090.
 - e)
 - f) Environmental assessment showing all wetlands, delineation of wooded areas and vegetative communities, if required threatened and endangered species information and a separate 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) Acreage and square feet open space, preservation areas and common areas.
 - i) Required landscaping, required buffers and any fences or walls as outlined in Chapter 164.
 - j) A soils report delineating the soils existing on the site to be developed.
 - k) Proposed stormwater management plan and drainage control facilities.
 - l) Utility sources, distribution and collection lines, if available, (including but not limited to water, sewer, electricity, cable television and telephone).
 - m) Traffic Study/Traffic Statement. The traffic study

shall follow the requirements of the Lake-Sumter Metropolitan Planning Organization (MPO) Transportation Concurrency Management System Traffic Impact Study Methodology Guidelines Document for Lake County.

n) Any other information deemed pertinent by the Technical Review Committee, Planning and Zoning Board or City Commission.

iii) 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 below.

iv) Final Development Plan

- a) All items required for submittal of Preliminary Development Plan outlined in 154.030 (d)(12)(g)(ii).
- b) Acreage and square feet open space, preservation areas and common areas.
- c) Required landscaping, required buffers and any fences or walls as outlined in Chapter 164.
- d) Any other information deemed pertinent by the Technical Review Committee, Planning and Zoning Board or City Commission.

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 property owner's/homeowner's association or State agency 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.

I) *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:

^ahas a market value less than two (2) times 80% of the median annual household income of Lake County or

^bhas a monthly rent less than or equal to $\frac{1}{12} \times 25\%$ of 80% of the median annual household income of Lake County.

^cthe 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.

^aThe total number of units transferred shall not exceed the gross density as allowed on the Future Land Use Map.

^bA 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.*

- ii) **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 five (5) working days after the meeting. A formal staff report will be forwarded to the Planning and Zoning Board with staff recommendations.

- iii) **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.*

- ii) **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:

^aPostpone the consideration of the application until the next regularly scheduled meeting to allow for the resolution of outstanding issues.

^bRecommend that the application be approved.

^cRecommend that the application be approved with conditions.

^dRecommend that the application be denied.

- iii) **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:

^aPostpone the consideration of the application until the next regularly scheduled meeting to allow for the resolution of outstanding issues.

^bApprove the application.

^cApprove the application with conditions.

^dDeny 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.

- ii) A change which would include a land use not previously permitted under the approved PUD zoning.
- iii) 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.
- iv) A change that would require an amendment to the conditions approved by the City Commission.
- i) A change that would reduce the required open space by more than ten percent (10%).
- ii) Any change that would eliminate pedestrian facilities or multi-use trails.
- iii)

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

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 or designee 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 or designee 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 - preliminary 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 the land development code.

13) 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) Design Standards

- i) Minimum setbacks requirements:
 - a. Front yard: Thirty feet (30')

- b. Side yard: Fifteen feet (15’).
- c. Rear yard: Fifteen-five feet (15’).

2.

- ii) The minimum open space shall be twenty-five percent (25%).

1.

E) 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.

14) 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: 25feet.
 - 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.

15) "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 2nd or 3rd floor.
- ii. Bed and Breakfast Inn.
- iii. Convenience stores without fuel operations.
- v. Business Services.
- vi. Financial Services.
- vii. Retail sales and services.
- viii. Medical office/Clinic.
- ix. Professional Service Offices .
- x. Office supply.

- xi. Personal Services.
- xii. Restaurants.

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

- i) Banks.
- viii) Daycare 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.

F) Design Standards

- i) Minimum lot size shall be six thousand (6,000) square feet with central sewer. Minimum lot size shall be ten thousand (10,000) square feet with septic tanks.
- ii) Minimum lot width shall be sixty feet (60') with central sewer at the front property line and eighty feet (80') with septic tank 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.
- iii) Minimum setbacks requirements:
 - a. Front yard: Thirty feet (30')
 - b. Side yard: Ten feet (10'). A zero lot line is allowed on one side setback only with a minimum of ten feet (10') on the opposite side.

- c. Rear yard: Fifteen feet (15').
- iv) The minimum open space shall be twenty percent (20%).

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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 or designee 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 (25) foot landscape buffer 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 shall 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 shall 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 prohibited.

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 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 prohibited 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 shall 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 shall 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 shall 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.

SECTION 154.080: MOBILE HOME PARK/SUBDIVISION DESIGN STANDARDS

A) Mobile Home Park Development Standards.

- iv) A Master Park Plan shall be filed in accordance with the Site Plan Regulations of Chapter 160 of the Land Development Code.
- v) 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.
- vi) A mobile home park shall meet the development design and improvement standards of Section 157.080 of the Land Development Code.

B) 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.

CHAPTER 155

CONDITIONAL USES AND SPECIAL EXCEPTIONS

SECTION 155.010: CONDITIONAL USES

a) In General.

Conditional uses shall be generally limited to those uses or combination of uses which, because of their uniqueness, are not specifically identified as permitted uses or special exception uses within any zoning district in the Code.

b) Application Procedure.

Written application shall be made to the City for a conditional use in accordance with the rezoning procedures established in Chapter 152 of the Land Development Code. In addition, the applicant shall provide the following information:

- 1) A conceptual plan showing buildings, parking and access locations, utility service points, proposed screening or buffering and any other information pertinent to the specific requested use of the site; and
- 2) A written statement specially addressing the general requirements of Paragraph (d)(2) below:

c) Hearing Procedure.

The procedure for review and approval of conditional use request shall be in accordance with the zoning procedures established in Chapter 152 of the Land Development Code.

d) General Requirements and Conditions.

- 1) Conditions and Safeguards. In granting any conditional use, the Planning and Zoning Board may recommend and the City Commission may prescribe appropriate conditions and safeguards to ensure compliance with the requirements of this Chapter and Code in general. Such conditions may include time limits for the initiation and duration of the conditional use, specific minimum or maximum limits to regular Code requirements, or any other conditions reasonably related to the requirements and criteria of this Chapter.
- 2) Review Criteria. When reviewing an application for a conditional use, the Planning and Zoning Board and City Commission shall consider the following requirements and criteria:
 - A) The proposed use must comply with the adopted Comprehensive Plan and Future Land Use Map;
 - B) Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety;

- C) Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district;
- D) Required yards, screening or buffering, and landscaping shall be consistent with the district in general and the specific needs of abutting land uses;
- E) Size, location and number of conditional uses in the area shall be limited so as to maintain the overall character of the district as intended by the Land Development Code.

F) will be compatible with existing and planned uses; and
E)G) will not be injurious to the neighborhood or detrimental to the public welfare.

e) Transfer or Abandonment of a Conditional Use.

Conditional uses run with the owner and not the property. Therefore, ownership of a conditional use cannot be transferred to another party.

A conditional use that is not initiated within one (1) year of being granted shall not be established without a new application and public hearing in accordance with the procedures for such described in Chapter 152 of the Land Development Code. A conditional use that is abandoned for a period of six (6) months or more shall not be reestablished without a new application and public hearing in accordance with procedures for such described in Chapter 152 of the Land Development Code.

SECTION 155.020: SPECIAL EXCEPTIONS

a) In General.

A special exception is a use that would not be appropriate without restriction, but which, if controlled as to number, area, location or relation to the surrounding area, would promote the public health, safety and general welfare. Such use may be permitted in a zoning district as a special exception only if identified as such in the Land Development Code.

b) Application Procedure.

Written application shall be made to the City for a special exception in accordance with the rezoning procedures established in Chapter 152 of the Land Development Code. In addition, the applicant shall provide the following information:

- 1) A conceptual site plan showing buildings, parking and access locations, utility service points, proposed screening or buffering, supplemental details necessary to address ~~the review and~~ criteria and safety and any specific requirement for such use described in this Chapter, and any other information pertinent to the specific required use of the site.

The City Manager may exempt an applicant from the requirements of a conceptual plan, if deemed warranted.

- 2) A written statement specifically addressing the general requirements of Paragraph (d)(2) below and any special requirements for the specific use in Section 3 of this Chapter.

c) Hearing Procedure.

The procedure for review and approval of special exception request shall be in accordance with the rezoning procedures established in Chapter 152 of the Land Development Code.

d) Special Requirements and Conditions.

- 1) Conditions and Safeguards. In granting any special exception, the Planning and Zoning Board may recommend and the City Commission may prescribe appropriate conditions and safeguards to ensure compliance with the requirements of this Chapter and the Code in general. Such conditions may include time limits for the initiation of the special exception use, specific minimum or maximum limits to regular Code requirements, or any other conditions reasonably related to the requirements and criteria of this Chapter.

- 2) Review Criteria. When reviewing an application for a special exception the Planning and Zoning Board and City Commission shall consider the following requirements and criteria:

- A) Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety;
- B) Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district;
- C) Required yards, screening or buffering and landscaping shall be consistent with the district in general and the specific needs of the abutting land uses;
- D) Architectural and signage treatments shall comply with the general provisions applicable to permitted uses in the district, to the greatest extent possible, and be sensitive to surrounding development; and
- E) Size, location or number of special exception uses in the area shall be limited so as to maintain the overall character of the district as intended by the Land Development Code.

e) Transfer or Abandonment of Special Exceptions.

A special exception runs with the property and the ownership of a special exception use may be transferred to another party. A special exception use that is not initiated within one (1) year of being granted shall not be established without a new public hearing in accordance with requirements of this Chapter. A special exception use that is abandoned for a period of six (6) months or more shall not be reestablished without a new public hearing in accordance with the requirements of this Chapter.

f) Distance Between Special Exception Uses.

Unless the method for measurement is specifically described herein, the distance between specific uses shall be measured by a straight line drawn from the nearest point of each lot, parcel or site to each other.

SECTION 155.030: SPECIAL REQUIREMENTS AND CONDITIONS FOR SPECIAL EXCEPTION USES

a) In General.

For those special exception uses listed below, the following special requirements shall apply in addition to those described in Section 155.020(d) above. Buffering requirements for special exception uses found within this Section shall be in conformance with Section 164.030(b) of the Land Development Code.

b) Special Requirements and Conditions.

1) ADULT CONGREGATE LIVING FACILITIES. (R-10) (R-3-15)

A special exception may be granted under the following conditions:

- A) The proposed site shall be a minimum of one (1) acre;
- B) The proposed site shall front on an arterial or collector roadway;
- C) Additional buffering shall be provided for service and loading areas, based on the compatibility of adjacent land use, ~~and;~~ -
- D) ~~The maximum density shall not exceed that permitted within the underlying district.~~

2) ATHLETIC/SPORTS FACILITIES. (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) A proposed corner site shall not abut a residential lot unless access is prohibited to the street upon which both lots front; and
- C) Additional buffering shall be provided for parking, loading and service areas which abut any residential zone.

3) BANKS. (RP) (C-1) (CBD)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;

- B) The proposed site shall be directly adjacent to a commercial land use;
- C) Special buffering and screening shall be provided where drive-thru lanes are adjacent to residential uses;

4) DAY CARE CENTERS. ~~(R-24)~~ ~~(R-3)~~ (RP)

A special exception may be granted under the following conditions:

- A) The proposed site shall be a minimum of fifteen thousand (15,000) square feet with a minimum lot width of one hundred (100) feet;
- B) The proposed site shall front on an arterial or collector roadway;
- C) A minimum of four thousand (4,000) square feet of outside play area shall be provided for the first twenty (20) children or less, and one hundred (100) square feet of play area per child for the next one hundred (100) children.
- D) The play area shall be completely enclosed with a minimum six (6) foot high opaque wall or fence to be constructed as part of the required buffer yard;
- E) A minimum buffer of 10' shall be provided, and;
- F) All day care centers must comply with State laws.

5) (LICENSED) COMMUNITY RESIDENTIAL HOMES, GROUP HOMES AND FOSTER CARE FACILITIES WITH MORE THAN SIX (6) RESIDENTS. (R-12) (R-24)

A special exception may be granted under the following conditions:

- A) The proposed facility shall be compatible with the neighborhood in its physical size;
- B) The proposed facility is not within one thousand twelve hundred (1200) feet of an existing facility;
- C) The proposed structure would not alter the character of the neighborhood;
- D) Adequate parking and infrastructure facilities are provided; and
- E) A minimum buffer of 15' shall be provided.

6) CONVENIENCE STORES WITH FUEL OPERATIONS. (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway; and

B) The proposed site shall be at least one (1) acre in size.

7) FARMERS/FLEA MARKETS. (C-2)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The proposed site shall be a minimum of three (3) acres with a minimum of two hundred (200) feet of frontage;
- C) A maximum of twenty (20) percent of the site shall be devoted to sales area;
- D) Operation shall be restricted to daylight hours on Fridays, Saturdays and Sundays only and legal holidays which fall on a Monday;
- E) Required parking shall be provided at a ratio of two (2) spaces for every one hundred (100) square feet of sales area;
- F) Buffering shall be provided based on a Buffer Class "E" with a six (6) foot high opaque fence or wall required along property lines which abut any residential zone; and
- G) All refuse shall be removed from the site at the end of each day.

8) GAME/RECREATION FACILITIES. (RP) (C-1) (CBD)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The proposed site shall be at least three hundred (300) feet from the nearest house of worship, school or day care center;
- C) The proposed site shall be at least one thousand (1,000) feet from any other such use;
- D) A minimum buffer of 15' shall be provided;
- E) The proposed site shall be at least three hundred (300) feet from a residential zone measured along right-of-way centerlines.

9) GUN AND ARCHERY RANGE. (C-2)

A special exception may be granted under the following conditions:

- A) Proposed gun range shall be located indoors and shall be sound-proofed;
- B) Proposed archery range shall be located on a site of at least one (1) acre; ~~and~~

| 10) HEALTH/EXERCISE CLUBS. (RP) (C-1) ~~(CBD)~~

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) A proposed corner site shall not abut a residential lot unless access is prohibited to the street upon which both lots front; and
- C) Additional buffering and special design shall be provided to effectively prevent illumination of adjoining residential land due to outdoor lighting of courts, fields, pools or parking areas associated with the club or center.

11) MINI-WAREHOUSES. (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall be a minimum of ~~one-two~~ (±2) acres;
- B) The proposed site shall front on an arterial or collector; and
- C) The mini-warehouses are to be used solely for the purposes of storage; retail sales and services, wholesale, manufacturing or other commercial uses are expressly prohibited.

| 12) MOBILE HOME SUBDIVISION. (R-~~315~~) (R-10)

A special exception may be granted under the following conditions:

- A) The density shall not exceed the zoning category in which it is located or seven (7) units per acre, whichever is less;
- B) The minimum lot width shall be sixty-five (65) feet;
- C) The proposed site shall be a minimum of ten (10) acres;
- D) The proposed site shall front on an arterial or collector;
- E) Each mobile home shall contain a minimum living area of 1,0200 square feet, of which An additional three hundred (300) square feet can be attached screened area, garage, carport or utility area.
- F) Each mobile home shall have "skirts" installed.

| 13) MOBILE HOME PARKS. (R-~~315~~) (R-10)

A special exception may be granted under the following conditions:

- A) The density shall not exceed nine (9) units per acre;
- B) The minimum lot width shall be fifty-five (55) feet;

- C) The proposed site shall be a minimum of ten (10) acres;
- D) The proposed site shall front on an arterial or collector;
- E) Each mobile home shall contain a minimum living area of 800 square feet, ~~of which~~ An additional two hundred (200) square feet can be attached screened area, garage, carport or utility area;
- F) Each mobile home shall have "skirts" installed.

14) NATURAL GAS/PROPANE DISTRIBUTION CENTERS. (I) (C-2)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The proposed site shall contain a minimum of one (1) acre;
- C) All tanks and dispersing equipment must setback a minimum of 50' from all property lines or comply with State and Federal requirements, whichever is greater.

| 15) NURSING HOMES. (R-~~315~~) (R-10)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) Additional buffering shall be provided for service and loading areas;
- C) Proof of licensing by the appropriate jurisdictional agency will be required prior to final development approval.

| 16) OFFICE/WAREHOUSE FACILITIES. (RP)

A special exception may be granted under the following conditions:

- A) General retail sales and services shall not be permitted;
- B) Warehouse space shall be used for storage purposes only. No manufacturing or fabrication of any kind shall be permitted;
- C) No commercial vehicles larger than one (1) ton capacity shall be regularly parked on the site; and
- D) Additional buffering shall be provided for access drives and other areas specifically designed to serve the warehouse facilities.

17) SINGLE FAMILY RESIDENTIAL DWELLING UNIT. (I)

A special exception may be granted under the following conditions:

- A) The dwelling unit cannot be a mobile home; and
- B) The dwelling unit is to be used exclusively by the owner or caretaker.

18) ~~TWO FAMILY DWELLINGS (DUPLEX). (R-2)~~

~~A special exception may be granted under the following conditions:~~

~~A) Minimum lot width and area: The minimum lot width for a two family dwelling unit shall be one hundred (100) feet. The minimum lot area shall be twelve thousand (12,000) square feet;~~

~~B) Each unit shall contain a minimum living area of six hundred (600) square feet.~~

19) TRUCKING TERMINAL. (C-2)

A special exception may be granted under the following conditions:

- 20) The proposed site shall front on an arterial roadway; and
- 21) The proposed site shall be a minimum of five (5) acres.

~~2019~~) RESTAURANT. (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The maximum number of seats shall not exceed fifty (50); and
- C) No drive thru service shall be permitted.

20) USED MOTOR VEHICLE PARTS YARD. (I)

A special exception may be granted under the following conditions:

- A) The proposed site shall be a minimum of one (1) acre;
- B) Storage of used motor vehicle parts shall be within an enclosed building or within a six (6) to eight (8) foot high wall or opaque fence;
- C) The proposed site shall front on an arterial or collector roadway.

21) VETERINARY OFFICES. (RP) (C-1) (CBD)

A special exception may be granted under the following conditions:

- 22) The proposed site shall front on an arterial or collector roadway;
- 23) The proposed site shall be a minimum of one (1) acre;

- 24) The proposed site shall be devoted to the sole purpose of the use, and shall not be part of any multi-tenant complex or multi-use property;
- 25) Open kennels shall be screened from off-site view; and
- 26) Structures, pens or runs shall be setback a minimum of fifty (50) feet from any lot line.

27) XEROGRAPHIC AND OFFSET PRINTING. (C-1)

A special exception may be granted under the following conditions:

- 28) The proposed site shall front on an arterial or collector roadway; and
- 29) The proposed facility shall contain less than one thousand five hundred (1500) square feet of service and storage area.

~~30) RECREATIONAL VEHICLE PARKS.~~ (C-2)

~~A special exception may be granted under the following conditions:~~

~~A) The site shall be designated and used for short term, transient accommodation of:~~

- ~~i) Travel trailers;~~
- ~~ii) Park models;~~
- ~~iii) Vehicles with sleeping accommodations; and~~
- ~~iv) Other similar type accommodations.~~

~~B) The occupant and vehicle of one of the spaces (other than those employed to maintain the site) shall remain in the same park no longer than one hundred eighty (180) days out of every three hundred sixty five (365) days.~~

~~C) Convenience establishments, such as grocery stores, restaurants and laundries may be permitted in recreational vehicle parks however, the convenience establishments shall be restricted to use by the park occupants only and not advertised for patronage by the general public.~~

~~Restroom and shower facilities shall be provided based upon the following:~~

~~Men's Toilets — One (1) for every thirty (30) spaces, or fraction thereof;~~

~~Men's Urinals — One (1) for every fifty (50) spaces, or fraction thereof;~~

~~Men's lavatories — One (1) for every twenty (20) spaces, or fraction thereof;~~

~~Women's toilets — One (1) for every twenty (20) spaces, or fraction thereof;~~

~~Women's lavatories — One (1) for every twenty (20) spaces, or fraction thereof;~~

~~Showers — One (1) for each sex for every one hundred (100) spaces, or fraction thereof.~~

~~D) Sanitary stations for disposal of recreation vehicle waste shall be provided at a ratio of one (1) for every one hundred (100) spaces, or fraction thereof.~~

~~E) Interior streets shall be designed as follows:~~

~~i) All one way streets shall have a minimum pavement width of twelve (12) feet; and~~

~~ii) All two way streets shall have a minimum pavement width of twenty four (24) feet.~~

~~F) No permanent attachments or structures such as, but not limited to, screen rooms, utility sheds and storage sheds shall be allowed other than those attached to the caretaker's residence or permanent facilities which are used in conjunction with the operation of the RV park.~~

~~G) A master park plan shall be prepared as outlined in Chapter 160 of the Land Development Code.~~

30) *BED AND BREAKFAST INNS.* (R-24) ~~(R-10)~~ ~~(R-315)~~ (RP)

Bed and breakfast homestays may be allowed when there is no appearance of commercial activity. The structure must maintain its residential character.

A) *Parking Requirements:* Two (2) parking spaces for the dwelling, plus one space per guest room must be provided. The parking must be in the rear yard and/or shielded from public view and from the view of adjacent property owners as required by the City Commission.

B) *Signs:* One sign not to exceed eight (8) square feet may be permitted to identify the establishments in residential zoning districts. The sign must be constructed in sand-blasted wood, ornamental iron, or other materials as approved by the Planning and Zoning Commission. Portable and lighted signs shall not be allowed.

C) *Exterior Design Standards:* The exterior appearance of the structure shall not be altered from its single-family appearance.

D) *Guest Rooms:* Guest rooms shall be a minimum of 120 square feet.

E) *Short Term Lodging:* No bed and breakfast inn shall allow an individual to be a guest for more than thirty (30) continuous days in any calendar year.

- F) *Licensing:* Bed and Breakfasts must receive all required State and local licenses for bed and breakfast inns prior to opening.
- G) *Additional Conditions:* Other conditions that may be deemed necessary by the City Commission to protect the health, safety and welfare of the general public may be imposed.

31) TATTOO PARLOR (CBD)

A special exception may be granted under the following conditions:

A) _____ The proposed site shall be at least two thousand (2,000) feet from any other such use.

32) RETAIL OR WHOLESALE NURSERIES AND GREENHOUSES (GB)

A special exception may be granted under the following conditions:

~~B~~A) _____ The proposed site shall front on an arterial or collector roadway; and

~~C~~B) _____ The proposed site shall be a minimum of two (2) acres.

33) FISHING CLUBS AND MARINAS (GB).

A special exception may be granted under the following conditions including but not limited to:

_____ A) Adequate parking and infrastructure must be provided.

_____ B) Additional buffering and special design shall be provided to effectively prevent illumination of adjoining residential areas due to outdoor lighting.

34) BOAT SALES (C-2)

A special exception may be granted under the following conditions including but not limited to:

A) _____ The proposed site shall be at least two thousand (2,000) feet from any other such use;

_____ B) The proposed site shall be a minimum of one (1) acre;

_____ C) The proposed boat sales display area shall be stabilized and maintained; and

_____ D) The proposed site shall front on an arterial or collector roadway.

35) MOBILE HOME SALES (C-2)

A special exception may be granted under the following conditions including but not limited to:

- A) The proposed site shall be at least two thousand (2,000) feet from any other such use;
- B) The proposed site shall be a minimum of one (1) acre;
- C) The proposed mobile home sales display area shall be stabilized and maintained; and
- D) The proposed site shall front on an arterial or collector roadway.

36) MOTOR VEHICLE AND BOAT STORAGE FACILITIES (C-2)

A special exception may be granted under the following conditions including but not limited to:

- A) The proposed site shall be at least two thousand (2,000) feet from any other such use;
- b) The proposed motor vehicle and boat storage area shall be stabilized and maintained;
- D) The proposed site shall front on an arterial or collector roadway; and
- E) The proposed storage area shall be completely enclosed by a six (6) foot high vinyl opaque fence or wall.

37) MOTOR VEHICLE SALES AND MOTOR VEHICLE DEALER SALES (C-2)

A special exception may be granted under the following conditions including but not limited to:

- A) The proposed site shall be at least two thousand (2,000) feet from any other such use;
- B) The proposed site shall be a minimum of one (1) acre;
- C) The proposed vehicle display area shall be stabilized and maintained; and
- E) The proposed site shall front on an arterial or collector roadway.

38) ACCESSORY DWELLING UNITS (R-2, R-4, R-8, R-15)

A special exception may be granted under the following conditions:

- A) Accessory dwelling units shall comply with the maximum building coverage and maximum square footage allowed.
- B) Accessory dwelling units shall not exceed eight hundred (800) square feet, or 40% of the enclosed air conditioned living area of the primary dwelling unit, whichever is greater.
- C) The Owner shall execute and the City Manager or designee shall record in the public records, at the Owner's Expense, a legal document that requires the principal dwelling and the Accessory Dwelling to remain in the same ownership and limiting occupancy of either the principal dwelling unit or the Accessory Dwelling Unit to the owner of the property.
- D) The principal dwelling unit and the Accessory Dwelling Unit shall share a common driveway.
- E) No more than one (1) principal dwelling unit and one (1) Accessory Dwelling Unit shall be permitted on any Lot of Record, or legally created lot.
- F) Accessory Dwelling Units should complement the primary structure and not be out of character with the surrounding neighborhood.
- G) If the Accessory Dwelling Unit is greater than 500 sq. ft. in size, an additional parking space will be required. The second required parking space must be within 200' of the Accessory Dwelling Unit, and meet all setback requirements.
- H) Parking spaces shall be designed to permit entry and exit without moving any other motor vehicles.

CHAPTER 156

MISCELLANEOUS REGULATIONS

SECTION 156.010: ACCESSORY USES AND STRUCTURES

a) In General.

Specific accessory uses and structures shall comply with the following regulations.

b) Principal Use Required.

Accessory uses and structures shall:

- 1) Be customarily incidental to the principal use established on the same lot;
- 2) Be subordinate to and serve such principal use;
- 3) Be subordinate in area, extent and purpose to such principal use; and
- 4) Contribute to the comfort, convenience or necessity of users of such principal use.

No accessory structure or use shall be permitted on any lot without an established principal use on the same lot within the applicable zoning district.

c) Permit Required.

No accessory structure shall be authorized on any lot without the appropriate building permit.

d) General Provisions.

- 1) Outside storage is generally prohibited, except as permitted herein.
- 2) Signs, fences, walls, parking and loading areas and other such features which are typically located within required yard areas shall comply with the applicable provisions of the Land Development Code for such uses and structures.
- 3) Any specific accessory use or structure which is not addressed within this Chapter shall not be located on any lot.
- 4) Tents shall adhere to the following:
 - A) In addition to the general prohibition set forth in subparagraph (3) above, in no event shall a tent or tent-like structure be used as an accessory structure for any purpose.

- B) Tents or tent-like structures may, however, be used as a temporary shelter for a specific event of a duration not to exceed ten (10) days if a permit for the erection of tent has been obtained from the City prior to the event. No person, location, or entity may be issued more than one (1) permit hereunder per calendar quarter.
- C) Tents or tent-like structures of less than 120 square feet and used for family recreation shall be exempt from the provisions of this paragraph (4). Likewise, tents or tent-like structures used by a licensed funeral director or funeral home for funerals shall be exempt from the provisions of this paragraph (4).
- D) Any tent or tent-like structure erected in the City as of December 1, 1995 for which a permit has not been issued, and which has not been exempted hereunder, is declared to be in violation of paragraph 156.010(c) and paragraphs 156.010 (d)(3) and (4) and shall be removed no later than January 1, 1996.
- E) For purposes of this paragraph (4), tent or tent-like structure shall mean a shelter or structure of canvas, nylon, or other material, including metal, sustained by poles or other members regardless of whether erected in a temporary or permanent fashion. The term tent or tent-like structure shall not include decorative awnings, carports, outbuildings or similar structures, for which a building permit is issued, and which are erected in conjunction with or connected to another structure.
- F) This paragraph (4) shall not apply to tents or tent-like structures located within Lake Griffin State Park.

e) Size Limitations.

1) No enclosed ~~residential accessory structure, such as garage or guest house~~ accessory dwelling unit, shall ~~not~~ exceed ~~four hundred fifty six eight hundred (4506800)~~ square feet, or ~~thirty forty (3040)~~ percent of the enclosed area of the principal structure, whichever is greater, and must meet all setback requirements. Accessory dwelling units are considered to be a special exception use, in which a special use permit must be obtained. See section 155.020 for the Special Exception process. Detached garages may be up to four hundred fifty six hundred (450 600) square feet in area, regardless of the size of the principal structure, provided there is not an existing garage as part of the principal structure. Storage buildings which encroach into required yards shall not exceed two hundred fifty three hundred twenty (250320) square feet. Storage sheds two hundred fifty (250) square feet or greater shall meet the setback requirements of the principal structure.

- 2) A detached accessory structure, other than a garage or carport, which is less than 250 square feet in area, shall maintain a minimum setback of five (5) feet to the side and rear property line.
- 3) Sheds are limited to 250 square feet and shall maintain a minimum setback of five (5) feet to the side and rear property line.
- 4) A detached accessory structure, other than a garage or carport, which is greater than 250 square feet in area, shall maintain a minimum side and rear setback equal to that of the principal structure.
- 5) Freestanding garages and carports must maintain a minimum setback of five (5) feet from the side property line and fifteen (15) feet from the rear property line. Detached garages are limited to either 600 square feet in size, or forty (40) percent of the size of the principal structure on the property, whichever is greater.

f) Outside Storage.

Outside storage of new and used equipment and materials shall be regulated as follows:

- 1) Residential Uses. Outside storage of materials and equipment shall be restricted to the rear yard and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot. The storage of materials and equipment shall not establish a nuisance in yards and open areas.
- 1) — This provision shall not apply to the regular parking or storage of licensed and operable motor vehicles, boats, recreational vehicles and other such vehicles which are regulated by other City codes. Specifically prohibited is the outside storage of appliances, unlicensed or inoperable motor vehicles, motor vehicle parts, and equipment and materials used as part of a business conducted off-site.

Recreational vehicles used for living accommodations shall only be allowed within approved recreational vehicle parks pursuant to Section 154.030(d)(6)~~(E)~~ of this Code. RV's parked within residential areas are prohibited from being used as living accommodations and shall be located behind the front building line.

- 2) Office Uses. Outside storage of equipment or materials shall not be permitted for office uses.
- 3) Commercial Uses. Outside storage of equipment and materials shall be permitted for commercial uses as specified below:

- A) Display of landscape or garden supplies, outdoor recreational equipment, and lawn equipment located in designated areas approved for such display as part of a development plan.
 - B) Display of new and used motor vehicles, boats, recreational vehicles, mobile homes, and other such vehicles located in designated area approved for such display as part of a development plan.
 - C) Storage of licensed and operable motor vehicles, boats, recreational vehicles and other such vehicles located in designated areas approved for such storage as part of a development plan.
 - D) Display setups of products customarily used out of doors such as pools, spas, lawn furniture, concrete fixtures and other similar items.
 - E) Special sales events and other such uses when permitted by special exception or approved as part of a development plan.
 - F) Storage of licensed and inoperable motor vehicles waiting repair within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers, provided that no such vehicle shall be stored for more than twenty-eight (28) consecutive days.
- 4) Industrial Uses. Outside storage of equipment or materials shall be permitted for industrial uses, when in compliance with the following requirements:
- A) All storage areas shall be enclosed by an opaque wall, fence, or landscaping of sufficient maturity, density and height to screen such areas from any public right-of-way or adjoining property.
 - B) All equipment or materials shall be secured, if necessary, to withstand winds.
 - C) Screening shall not be required around storage areas for operable motor vehicles and landscape materials.
 - D) No licensed and inoperable motor vehicles shall be stored for a period exceeding twenty-eight (28) consecutive days within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers.

g) Donation Bins

Accessory uses for the purpose of donation drop-off locations may be permitted in non-residential and industrial districts subject to the following regulations:

- 1) Non-profit organization use only.
- 2) Organization's name and phone number must be located on the side of the bin and visible to the public.
- 3) Use is maintained within an enclosed container donation bin. Overflow of donated items is not permitted and maintenance of the location shall be the sole responsibility of the property owner.
- 4) Statement must be located on bin plainly visible to the public conveying only items that can fit inside bin may be donated at the site, and no overflow donations may be left outside on the ground.
 - A) Signage on the donation bin may not exceed nine square feet (9) and must be attached directly to the bin.
- 5) Donation bins must meet all setbacks associated with the principal structure on the lot or parcel where it is located.
- 6) Donation bins may not be located within any required parking spaces associated with the principle use of the lot or parcel, nor may it be located within any vehicle or pedestrian travel lanes.
 - A) All donation bins must be located on improved, level, paved surfaces which constitute the larger developed and occupied building site.
 - B) Shall not encroach on any required landscaping, and no required landscaping shall be removed to install a donation bin(s).
- 7) The donation bin must be maintained in good repair and shall match the color of the principal structure located on the same lot or parcel.
- 8) Limited to one (1) donation bin per parcel, unless parcel is larger than two (2) acres in size, in which one (1) additional donation bin may be permitted.

In the event of conflict with Chapter 97 of this Code, nothing in this chapter shall supersede the requirements of Chapter 97 of this Code.

a) Intent.

The purpose of this Section is to accomplish the following:

- 1) Permit residents of the City a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
- 2) Protect residential areas from adverse impacts of activities associated with home occupations.
- 3) Establish criteria and development standards for home occupations conducted in residential uses.

b) Regulatory Agency License Required.

No home occupation shall be permitted without having the appropriate occupational business tax receipt license licenses that may be or are required by other agencies.

c) Permitted Home Occupations.

- 1) Office Uses. Professional and business office activities that do not involve clients, customers or employees visiting the premises.
- 2) Off-site Sales of customary hobby crafts produced at hobbyist volumes in the home by family members.
- 3) Off-site Provision of Services to other homeowners that does not involve the use of tools or machinery in size or numbers beyond that customarily found in a residence of that size.
- 3)4) Family Child Care Home. No more than five (5) children including those related to the resident care giver. Child care is provided for a period of less than 24 hours a day on a regular basis.

5) Real Estate Sales and brokerage.

d) Prohibited Home Occupations.

- 1) Motor vehicle and boat repair; vehicle customization to include but not be limited to installation of accessories such as lights, sirens, car phones, etc.
- 2) Beauty and barber shop.

- 3) Child care center or nursery school with more than five (5) children.
- 4) Amplified musical instrument instruction.
- 5) Dance and non-amplified musical instrument instruction (except private tutoring of no more than one (1) student per session).
- 6) Photography studio.
- 7) Insurance office.
- 8) Retail sales (except garage sales).
- 9) Painting of vehicles, trailers or boats.
- 10) Upholstering.
- 11) Welding.
- 12) Taxidermy.

~~12)~~ 13) Tattoo parlor.

e) Restrictions.

Home occupations are permitted as accessory uses in all residential zones and subject to the following restrictions.

- 1) No persons other than members of the family residing on the premises shall be engaged in the home occupation.
- 2) The use of the dwelling for a home occupation shall be clearly incidental and subordinate to its residential use, and there shall be no change in the appearance of the dwelling or outside evidence of non-residential use, except for a maximum one (1) square foot non-illuminated wall sign located adjacent to the main entrance of the structure.
- 3) Any business that involves storage, processes, employees, equipment or any other activity not permitted by this Section shall provide proof of a properly zoned and licensed business location housing those activities.
- 4) No home occupation shall occupy more than twenty (20) percent of the first floor living area of the principal residential structure. New construction of additional

living area floor space shall not be eligible for this definition for two (2) years after this completion according to the date of the Certificate of Occupancy.

- 4)5) No accessory structure or accessory dwelling unit shall be used as part of a home occupation, ~~E~~except for the storage of customary homeowner's tools and equipment is permitted in accessory structures in accordance with Section 156.010.
- 5)6) There shall be no display of products visible in any manner from the outside of the dwelling.
- 6)7) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
- 7)8) There shall be no storage of equipment or supplies associated with the home occupation outside the dwelling.
- 8)9) No home occupation shall generate pedestrian or vehicular traffic ~~on a regular basis greater than that customarily generated by the type of residence involved beyond that normal to the zoning district in which it is located.~~
- 9)10) No equipment or process shall be used in a home occupation which creates excessive noise, vibration, glare, fumes, or odor detrimental to the health, safety, place, morals, comfort and general welfare of persons residing in the neighborhood.
- 10)11) No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the customary average for similar type residences within the City.

SECTION 156.030: FENCES AND WALLS

a) In General.

All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations. As used herein, the following definitions shall apply:

Chain Link Fence – a fence of heavy steel wire woven to form a diamond shape mesh

Privacy/Stockade Fence – a fence of half-round or flat wooden, vinyl or other material board sections constructed to allow a degree of privacy for the homeowner

Picket Fence – a fence of pickets: i.e. pointed or sharpened stakes or posts

Split Rail Fencing – a fence made out of rails split from a log

Vinyl Fencing – a fence made from vinyl materials

b) Permit Required.

No fence shall be permitted without obtaining a fence permit and, if necessary, the appropriate building permit. No wall shall be permitted without obtaining the appropriate building permit.

c) General Provisions-

1) Permitted Types of Fencing

- A) All fencing must be either a chain link fence, wooden privacy fence, picket fence, split rail fencing, vinyl fencing, or such other similar construction as approved by the City Manager or her designee.
- B) Wood fences shall be constructed of rot resistive and termite resistive species of wood or wood that has been chemically pressure treated to resist rot and termite attack.
- C) Chain link fences shall have a fabric of a minimum of 11.5 gauge galvanized or other non-corrodible metal. Chain link fencing shall be installed with the salvage or pointed ends down.
- D) Fences with a smooth or finished side shall have such smooth or finished side towards the outside of the property (i.e. facing the adjacent property).
- E) No fence shall be constructed or installed in such a manner as to interfere with drainage.
- F) Should a fence encroach on any public easement, the owner shall assume all expense of any necessary removal (either temporary or permanent) or relocation.
- G) This section shall not apply to fences erected by a public body, or as approved by a public body for a public utility, in the interest of public safety.

2) Restrictions

- A) No barbed wire, razor wire, or similar material shall be allowed for residential uses. Temporary security fencing may be allowed for construction sites in residential zones.
- B) Barbed wire shall be prohibited for commercial and industrial uses, except when installed at six (6) foot height or greater.
- C) No electrified fences shall be allowed.
- D) No agricultural type fencing, (i.e. Chicken, hog, or cattle wire) shall be permitted unless the parcel is three (3) acres or more.

3) Height

- A) For residential uses, no permanent fence or wall shall exceed six (6) feet in height in rear or side yards.
- B) For residential uses, no permanent fence or wall shall exceed four (4) feet in height within the front yard areas. For purposes within this Section, the “front yard” shall extend from the front line of the main building on the Property to the front property line. Corner lots shall be presumed to have two front yards unless the City Manager or their designee determines otherwise after considering the characteristics of a particular property.

~~C)~~ C) For commercial and industrial uses, no permanent fences or wall shall exceed ten (10) feet in height unless approved as part of a development plan.

e)

4) Location

- A) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with Section 156.060 of this Chapter.

5) Exemptions

- A) Customary fencing around tennis courts and other approved recreational amenities shall be exempt from height restrictions.
- B) Fences required or installed to provide rear lot screening of residential uses shall be exempt from right-of-way setback

requirements. However, such fences shall comply with requirements to provide visibility clearance at intersections as described in Section 156.060 of the Land Development Code

SECTION 156.040: SETBACK

§

a) In General.

This Section provides for accessory structures to be located within required setback areas. Recorded easements and required landscape buffers shall supersede the minimum dimensions permitted by this Section.

1) Front yard setbacks.

An accessory structure, whether attached or detached, enclosed or open, shall maintain the front setback for the principal structure per Chapter 156.

STRUCTURE OR BUILDING FEATURE	SETBACK
Antenna Dish	10' from property line
<u>Accessory Dwelling Unit</u>	<u>Setbacks of Principal Structure</u>
Carport/Garage, Freestanding (Residential)	15' from rear property line 5' from side property line
Deck, Wood	10' from <u>side and rear</u> property lines
Pool, Swimming, including deck	10' from <u>side and rear</u> property lines
Screen Pool Enclosure	10' from <u>side and rear</u> property lines
Screen Room, Residential	10' from <u>side and rear</u> property lines
Storage Building <u>(Sheds)</u> , Residential <u>– less than 250 SF</u>	5' from <u>side and rear</u> property lines
<u>Accessory Structures Storage Building, Residential – greater than 250 SF</u>	<u>Setbacks of Principal Structure</u>
Storage Building, Non-residential	10' from <u>side and rear</u> property lines
<u>Tennis Recreation</u> Court (Residential)	10' from <u>side and rear</u> property

SECTION 156.050: **HEIGHT**a) In General.

Unless otherwise described in this Section, the maximum permitted height for any structure shall be as outlined in the Schedule of District Regulations, Chapter 154 of the Land Development Code.

1b) Established Height for Specific Structures.

STRUCTURE	MAXIMUM HEIGHT
Antenna, Dish (Ground Mounted) Residential Uses	20 feet
Carports, Freestanding	20 feet
Storage Buildings Residential Uses	15 feet

SECTION 156.060: **VISUAL CLEARANCE**a) In General.

The following areas shall be designed and maintained to allow visibility between three (3) feet and eight (8) feet above grade. Tree trunks trimmed of foliage to eight (8) feet, and newly planted landscape material with immature crown development shall be exempt.

- 1) At the intersection of two public rights-of-way, a triangle described by the intersection of the right-of-way lines extended, and a line joining points on those lines twenty-five (25) feet from said intersection.
- 2) At the intersection of a private driveway and a public right-of-way, a triangle described by the intersection of the edge of the driveway and the right-of-way line, and a line joining points on those lines ten (10) feet from said intersection.
- 3) In the area along all public right-of-way measured five (5) feet perpendicular from said right-of-way.
- 4) In the area along all access driveways measured three (3) feet perpendicular to the edge of the drive.

~~5) In all cases, minimum sight distances necessary to satisfy the requirements of the Manual of Uniform Traffic Control Devices (MUTCD) and FDOT Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways shall be maintained. Additional clear zone areas may be required based on the specific geometry of a particular location.~~

5) In all cases, minimum sight distances shall be as is necessary to conform with the American Association of State and Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets (The AASHTO Green Book) or the FDOT Manual of Uniform Minimum Standards For Design, Construction and Maintenance for Streets and Highways (The FDOT Green Book), whichever is more strident. Should any instance above be less strident than these texts, the Green Brook criteria shall govern.

SECTION 156.070: GARAGE SALES

a) In General.

The term garage sale shall mean operations and activities involved in the isolated promotion and sale of goods by a person other than a merchant.

b) Permit Required.

Any person desiring to conduct a garage sale must receive a permit to do so from City Hall. Any permit issued pursuant to this paragraph shall be good for no more than three (3) consecutive days. Permits shall not be issued to any person, nor for any particular parcel of property within the City, more often than three (3) times each calendar year.

SECTION 156.070: MURALS

1) All murals must be less than 100 square feet, contain less than three percent (3%) text, be located on a commercial building or non-commercial building no closer than 100 feet from the right of way of a main highway, public street or road, and remain intact for a minimum of two (2) years.

~~*If permits are not required, how is the city (commissioners) to manage the requirements of sf, text, art vs. advertising, language, obscene or vulgar language or "explicit art?" Does the attorney or city manager propose a committee and some sort of application to be submitted? *The building department will not be held responsible for determining what is art vs. advertising.*~~

~~The 100' from main hwy, does this exempt from front of buildings? Side of buildings? ROW? Any roads, property boundaries? etc.~~

Does the business require any approvals from the property owner if not being applied by the actual owner; for example, someone leasing space are they just allowed to paint a mural with any obscene colors, art or anything else since there is no formal approval?

How is the city to verify time frame of 2 years when there is no formal record of when applied?

Note: add provisions prohibiting “murals” to be used as advertising (displaying artwork which advertises the type of business conducted) per city commission direction during 9/17/20 LDR workshop.

a) Zoning Clearance Required.

A zoning clearance shall be required for all murals.

Except as otherwise provided in these regulations, it shall be unlawful for any person to erect, construct, structurally modify, replace, enlarge, move or convert any mural in the City, or cause the same to be done, without first obtaining a zoning clearance and any associated fee. No mural shall be issued until the City Manager or designee determines that such work is in accordance with the requirements contained in this chapter.

b. Application for Zoning Clearance.

All applications for zoning clearance under this Section prior to the installation of any mural, shall be filed by the owner of the property where the mural is to be located or his authorized agent, on a form provided by the City. Such application shall include the following:

- 1) Name, address, and telephone number of owner(s) of the property together with proof of ownership;
- 2) The street address or legal description of the property upon which the proposed mural is to be located;
- 3) The zoning district, the building frontage, and the road frontage of the premises, if applicable;
- 4) Owner and Applicant Affidavits, his lessee or agent, to install the proposed mural;
- 5) The height, size, shape, and location of the proposed mural;

6) A fully dimensioned and scaled site plan showing the lot frontage, building frontage, and location of all existing and proposed murals;

7) Indicate in feet and inches the location of the mural;

8) Any and all other information reasonably requested by the City Manager or designee.

c. Issuance of Zoning Clearance.

1) Upon receipt of an application for a mural zoning clearance, the Community Development Department shall Review the plans, specifications and other data relating to such mural, and, if considered necessary, inspect the premises upon which the mural is proposed to be erected. If the proposed mural is in compliance with this chapter and all other applicable laws and codes of the City, a zoning clearance shall be issued upon receipt of the zoning clearance fee.

d. Zoning Clearance Fees.

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

SECTION 156.080: COMMUNICATIONS TOWERS

Notwithstanding any other section of these Land Development Regulations, telecommunications towers shall be allowed only within the PFD district and only upon meeting the following standards:

- 1) Towers shall be subject to a maximum height limitation, as measured from the existing natural grade, to be established by the City Commission after taking into account the needs of the applicant and the effect on the overall character of the surrounding neighborhood.
- 2) No tower shall be located within three-thousand linear feet, as measured in a straight line, from another tower.
- 3) Towers shall be set back from any residential zoning district a minimum distance to be established by the City Commission after taking into account the needs of the applicant and the effect on the overall character of the surrounding neighborhood.

- 4) Towers shall be situated upon the site upon which they are erected to be no closer than the height of the tower from any boundary of the site. For example, a 100 foot tower must be surrounded by at least 100 feet of property in all directions, as measured from the base of tower, which property shall be owned by the same owner as the property upon which the tower is situated.
- 5) Any tower upon which use is abandoned for more than 180 days shall be removed upon sixty days noticed by the City unless usage resumes within the sixty day period.
- 6) No signage of any type shall be allowed upon any tower erected hereunder.
- 7) Any lighting must be shielded to fall within the confines of the property, unless otherwise required by the Federal Aviation Administration.
- 8) No long term parking or vehicle or equipment storage shall occur on site.
- 9) The property upon which the tower is located must be owned by the municipality within which it is located.
- 10) Towers shall be designed to provide for, and the owners of towers shall under reasonable terms, collocation of communication services on towers approved pursuant to this section.
- 11) Notwithstanding the provisions of Section 152.070 of these Land Development Regulations, the City Commission may, in its sole and absolute discretion, approve an increase in the height of a communication tower within the city limits (even if such tower is considered to be non-conforming) on the following conditions:
 - a. The communication tower owner and property owner upon which the communication tower is placed must file an application with the City setting forth the reason for and the amount of the proposed increase in height of the communication tower together with copies of the executed lease(s) with the telecommunication service provider(s) who will be located on the proposed extension;
 - b. The requested increase in height is for the purpose of allowing additional telecommunication service providers to collocate on the existing communication tower and is not for purposed of expanding the area of the tower occupied by telecommunication service providers existing on the tower at the time the application is received;

- c. The proposed increase in height is the minimum amount necessary to allow the collocation of additional telecommunication service providers;
- d. Adequate ground space exists at the base of the communication tower for the placement and installation of equipment for the additional telecommunication service providers who will be collocated on the communication tower;
- e. The applicants submit approval from all governmental agencies, whether federal, state or local, who have jurisdiction over the tower approving the proposed increase in height to the communication tower;
- f. The applicants submit evidence, as provided by a Florida licensed engineer, that the existing telecommunication tower can support the proposed increase in height and additional service provider(s) and that in case of collapse no structures, buildings, roads or improvements (other than uninhabitable structures associated with the operation of the tower) are located within the “fall zone” and the tower will not fall on any property other than the parent parcel upon which the tower is located.

All applications received under this provision shall be submitted for review by the City Commission when the City Manager determines that all required information has been supplied by the applicants. An application submitted under this section shall not be subject to the procedures set forth in Section 168.010 of this Code.

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~~ vacated.
- 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)~~ 3) 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)~~ 4) 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 three ~~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.
- F) The request for a minor subdivision must be made on the appropriate form accompanied by the appropriate fee and must include the following information:
 - 1) Property owner name, address and legal description of property.
 - 2) Current zoning of subject parcel and whether a rezoning will be required.

- 3) Size and number of proposed lots.
- 4) Adjacent street name and classification.
- 5) Type and square footage of existing buildings on the parcel.
- 6) Information regarding adjacent right of way or easements.
- 7) Boundary and improvement survey.
- 8) Source and location of water and sewer facilities.

G) The Technical Review Committee (TRC) shall review the request and make a ~~recommendat~~ recommendation to the City Commission when the application is complete.

- 5) Lot splits. Applications for a lot split shall be made on the appropriate form accompanied by the appropriate fee. Lot splits shall be reviewed and approved administratively by the Community Development Director or designee. A lot split is a request to divide a lot or tract in such a manner as to make it meet the following criteria:
 - A) Only two (2) lots may be created per original parcel.
 - B) Each lot created must have a minimum area of the dimensional criteria as required by the zoning designation under which it is categorized.
 - C) Each proposed lot shall front on a paved private road, or a publically maintained road.
 - D) Flag lots are not allowed.

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 ~~plat 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 unless exempted per Section 157.050(b). 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-~~ 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-Community Development Department.
- 2) Items Required- The applicant shall submit ~~seven (7) copies of one (1) hard copy along with one (1) electronic copy of~~ the preliminary sketch ~~plat 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 Community Development 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.~~ Plats ~~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 2007-028 (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.~~

Within five (5) working days of the receipt of a development application for approval of a development permit or development order, the City shall review the application for completeness. Incomplete submittals shall be returned to the applicant with deficiencies noted in writing.

Applicants have thirty (30) days to address deficiencies by submitting the required information. Resubmittals shall be accompanied by a re-application fee as adopted by the City Commission.

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.~~

When an applicant is determined to be sufficient, the City Manager or designee will distribute the package to pertinent city staff, city consultants, and required outside agencies.

3) Preliminary Plat

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.
- ↻ D) ~~P~~ Proposed streets, common areas, drainage areas, conservation areas, lot lines and their dimensions. Proposed street names and lot numbers to be submitted to Lake County Office of Public Safety per City Interlocal Agreement.
- F) ~~E~~ Acreage in lots, drainage areas, common areas and other uses; and the ~~minimum~~ lot size, average lot size and total number of lots, lot typical details including interior and corner lots, setbacks, phase lines, future land use, zoning, density and open space. Future land use and zoning information for adjacent properties.
- G) Existing topography using one (1) foot contours based upon National Geodetic Vertical datum, and delineation of Flood Insurance Rate Map flood zones. All development located partially within or wholly within the Special Flood Hazard Area must be completed in accordance with Section 161.090.

H) Environmental assessment showing all wetlands, delineation of wooded areas and vegetative communities, if required threatened and endangered species information, See Chapter 165 and a separate tree survey showing all specimen trees, tree removal and if required tree mitigation-See Chapter 1645.

I) 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.

~~D)~~—

~~E)~~ — F) Existing topography using one (1) foot contours based upon National Geodetic Vertical datum, and delineation of Flood Insurance Rate Map flood zones. All development located partially within or wholly within the Special Flood Hazard Area must be completed in accordance with Section 161.090.

~~F)~~ — G) Environmental assessment showing all wetlands, delineation of wooded areas and vegetative communities and tree survey showing all specimen trees. See Chapter 165.

~~J~~

~~G) H) — 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) I) —~~ A soils report delineating the soils existing on the site to be developed.

~~I) J) —~~ A list of all jurisdictional agency permits required for the development of the subdivision.

~~J) K) —~~ Proposed stormwater management plan and drainage control facilities and general grading plan.

~~K) L) —~~ Utility sources, distribution and collection lines, if available, (including but not limited to water, sewer, electricity, cable television and telephone).

~~L) M) —~~ Proposed locations of streetlights, sidewalks and ~~bike-~~ multi-modal paths, if any.

~~M) N) —~~ Maximum building heights, anticipated phasing plan and gross density.

~~O) —~~ Location of all signs per Chapter 163.

N) P) Traffic Study/Traffic Statement. The traffic study shall follow the requirements of the Lake-Sumter Metropolitan Planning Organization (MPO) Transportation Concurrency Management System Traffic Impact Study Methodology Guidelines Document for Lake County.

Ø) Q) 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 five (35) working days after the meeting. The TRC staff shall make staff recommendations to the Planning and Zoning Board.~~

i) City staff will determine sufficiency of the application package within five (5) business days of submittal. The City Manager or designee will mail notice of missing items within five (5) business days.

ii) Once the application package is determined sufficient, the City Manager or designee will distribute the package to pertinent city staff, city consultants, and required outside agencies within two (2) business days.

iii) City staff and city consultants have ten (10) business days to issue comments back to the City Manager or designee.

iv) The City Manager or designee will forward comments to the applicant within two (2) business days of receipt of all staff comments. Please note: outside agencies may not abide by the City's schedule. The city will make every effort to follow up with outside agencies for comments; however, those may be received and provided to the applicant at a later time.

v) A TRC (Technical Review Committee) meeting will be scheduled once all comments from city staff, city consultants, and required outside agencies have been received not less than two (2) weeks prior to the normally scheduled meeting.

vi) This process is repeated for subsequent submittals with the City Manager or designee having two (2) business days to distribute and city staff and city consultants having a maximum of ten (10) business days to return comments back to the City Manager or designee.

vii) At each submittal, one (1) original hard copy of all documents and an electronic (.pdf) submittal are required. The legal description must be submitted in Microsoft Word format. All engineered plans and renderings must be submitted on 24" X 36".

viii) The applicant will be notified when all city staff, city sub consultants, and outside agency comments have been sufficiently addressed. Major development plans shall be scheduled for review at the next available Planning and Zoning Board meeting and must be approved by the City Commission.

Once the applicant receives comments from the city and outside agencies on the complete application submittal, the applicant has ninety (90) days to submit a formal response. If the applicant requires additional time, the applicant shall formally request an extension from the city. If the applicant fails to respond within ninety (90) days, the applicant may be required to submit a new application fee.

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.

CB) City Commission Approval-

The City Commission shall consider the preliminary plan at a regularly scheduled meeting and determine if ~~they~~ the submittal meets 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, ~~and the 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~~ the 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~~ twenty-four ~~(1824)~~ 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~~ twenty-four ~~(1824)~~ 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~~ Community Development Director 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~~ Community Development Director 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 plat 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 plat 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~~ City Commission 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~~ Community Development Director 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 construction plans ~~preliminary plan~~ approval shall be completed prior to final plat approval, as specified in the issued land development permit.

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

Construction after ~~f~~Final ~~p~~Plat ~~a~~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~~ Community Development Director or designee the construction plans and specifications designed in Chapter 157, Page | 14

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- Community Development 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 t~~ 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- Community Development Director or designee, and shall contain, but shall not be limited to:

- A) A cover sheet, including a location map, owner, engineer, surveyor and/or landscape architect's name and contact information;
- 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, and stormwater calculations, meeting the land development regulations in Chapter 158, submitted and approved by SJRWMD;
- ~~D) Roadway typical sections and summary of quantities for all construction work;~~
- E) Cross Sections and profiles as needed to show site grading, walls, retention ponds;
- ~~D)F) Copy of all local, state, and federal permits as required for development;~~
- E)G) Construction details showing compliance with City standards or alternate design as approved by the City Engineer or City-~~Manager~~ Public Works Director;

F)H) Special Roadway profile sheets, ~~if necessary, showing special or unique situations;~~showing roadway grades, slopes, vertical curve and underground utilities;

G)I) Benchmark location, based on ~~National Geodetic~~ 1988 North American Vertical Data (N.G A.V.D.) with topography at 1' contour intervals shown on a certified boundary survey of the project. Two (2) benchmarks required.

H)J) 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)K) 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:

^aAll bulkhead lines;

^bDetailed cross-sections showing existing and proposed depths;

^cLocation of hard pan, muck or other unique soil conditions;
~~and~~

^dDetails of bulkhead construction;-

^eDesign high water;

^fDesign low water;

^g100 year flood;

^hSlopes and depths; and

ⁱSlope stabilization

xiv) Proof of Certificate of Concurrency.

12) Construction Plan Review-

- A) Within five (5) working days of receipt of said plans and specifications, the Building- Community Development 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- Community Development Director or designee. The applicant will be advised in writing by the City Manager- Community Development Director or designee of all applicable departmental comments within twenty-five- thirty (25-30) working days from the date of application submittal.

13) Approval of Construction 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- Community Development Director or designee shall provide to the applicant a second set of comments.

14) Appeals-

Appeals of decisions from the City Manager- Community Development Director may be made to the City Commission. The City Manager- Community Development Director 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 construction 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~~ City Public Works Director, 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, construction plans, and land development permit. The City Engineer, City Public Works Director, or their representatives, shall have the right to daily inspect infrastructure improvements being dedicated to the City at the developer's expense. 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, pressure testing of water, reuse or forcemains, air test gravity sewer, lamping of gravity sewer and stormwater pies, density test for pipe back fill, videoing of sewers and stormwater systems, 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~~ Community Development Director 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 (set at the time of final platting)
- G) Storm sewer
- H) *Lift stations*

Failure to notify the City of the commencement and completion of the construction or installation 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. In the case of Permanent reference monuments and permanent control points inspection is required to final plat approval.

19) *Final Inspection; Certificate of Completion-*

Upon completion of construction of the improvements, the applicant shall provide the ~~City Manager-~~ Community Development Director 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~~ One (31) sets and one (1) electronic copy of as-built construction plans, including rims and inverts of all sewer and stormwater structures, the horizontal location of all values and fire hydrants, ~~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- Public Works Director 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- Community Development Director 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- Community Development Department. It is verification that the subdivided land has been developed substantially in accordance with the approved construction plans, 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 final plat shall be accompanied by:
 - i) A complete final plat application furnished by the Building Community Development 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- One (71) copies- paper copy and (1) electronic copy 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- Community Development Director 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. Less than 30 days at time of submittal and updated and less than 30 days at time of plat recording.

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 non-adhered 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 dedicated to one entity and clearly identifiable. 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 property owner's/homeowner's association 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- Community Development Director~~ 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 and City Surveyor 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 ~~plat 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- Community Development Director~~ 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- Community Development Department~~ 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- Community Development Director or designee, 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, water, sewer, and power, cable and telephone;
- 3) Erosion control provisions;
- 4) Stormwater and floodwater management system, cut/filling, and drainage as necessary;
- 5) Streets, curbing, ~~s~~Street signs and traffic control markings and signs;
- 6) Permanent control points, Permanent Reference Markers, and Lot Corners;
- 7) Tree and vegetation protection, conservation areas for environmentally sensitive areas and buffering areas;
- 8) Bikeways, sidewalks and alleys;
- 9) Fire hydrants, street lights signs, landscaping and irrigation;
- 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.

A City field inspector shall be on-site during road construction for all streets to be dedicated to the City.

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 incorporated ~~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~~ drivable accessway may be substituted if required by the City Manager. Turn lanes may be required for a subdivision of 25 lots or more.
- D) Street ~~jogs~~ 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 right of way radius not less than 6050 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.

↔L) Minimum paving widths, required curbing and minimum sidewalk widths shall be provided as outlined in LDC Section 157.080(a)(3).

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) ~~feet percent~~ wider than the minimum width required by the Land Development Code or as required by the Community Development Director or his designee.

~~F)~~

~~G)~~ Block lengths shall not exceed twelve hundred (1200) feet. minimum length shall be six hundred (600) feet.

G)

3) Dimensions:

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

STREET TYPE				
	<i>Minor Arterial</i>	<i>Major Collector</i>	<i>Minor Collector</i>	<i>Local</i>
Right of Way Width	100 <u>120</u> *	100	80	50
Min. Pavement Width	24	24	20 <u>24</u>	20
Min. Centerline Radius	750	300	150	150
Minimum Grade	0.3%**	0.3%**	0.3%**	0.3%**
Min. Intersection Spacing	660 <u>1320</u>	330 <u>660</u>	250 <u>330</u>	150 <u>330</u>
Min. Radius, edge of pavement <u>Back of Curb</u> at Intersection	40 <u>50</u>	40	35	35

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

** 1% if using curb.

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:

^a Material: reinforced concrete.

- b Minimum Size: eighteen (18) inches or equal.
- c Minimum Cover: ~~one and one half (1½) inches below base.~~ Per FDOT standards.
- d End Treatment: headwall, inlet, manhole, ~~or metered~~ mitered end section required, ~~each end~~ or flared end section, 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:

- a 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.
- b Minimum Size: ~~Fifteen~~ Eighteen (15~~8~~) inches or equal.
- c Minimum Cover: ~~One and one half (1½) inches below base.~~ Per FDOT standards.
- d 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 or as approved by the Public Works Director or designee.
- e End Treatment: Inlet, manhole, headwall, ~~or metered~~ mitered end sections or flared end sections.

iv) ***Ditches***

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

- a Three-foot minimum bottom width.
- b Two-foot minimum depth, below shoulder.
- c Maximum front slope – 34:1.
- d Maximum back slope – 23:1.

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

v) ***Pipes.***

Pressurized PVC pipe laid under the roadway shall be encased when required by the Public Works Director or designee. Additionally in certain circumstances the Public Works Director or designee may require the use of ductile iron pipe. ~~An acceptable alternative shall be the u~~Utilization of ductile iron pipe without encasement is an acceptable alternative.

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

Inlets, manholes and ~~metered~~mitered 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 2 feet 6 inches below the bottom of the lime rock base 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 (~~to be not less than 32 inches in total width eighteen inches (18") x thirty-six inches (36") each~~) shall be placed along the edge of pavement on all roads, abutting subdivision lots and sod all rights-of-way adjacent to common areas-

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.

All permanent 6:1 or greater slopes shall be sodded.

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 30 (thirty) days~~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 un-hulled), 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:

^a 4" of Type II asphaltic concrete laid directly on a compacted subgrade.

or

^b 1½" of Type II asphaltic concrete overlaying a 4" compacted limerock base laid on a compacted subgrade.

or

^c 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 ~~18~~ 15" diameter or equivalent. The minimum length of culvert shall be 20 feet.

Driveway Apron required for all new construction. *Paved road*—6" limerock base with ~~1.25~~ 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~~ mitered end sections may be required. Minimum driveway culvert size is ~~11~~ 18" diameter or equivalent. The minimum length of culvert including ~~metered~~ mitered 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~~ mitered end sections may be required. Minimum driveway culvert size is 15" diameter or equivalent. The minimum length of culvert including ~~metered~~ mitered 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~~ mitered end sections may be required. Minimum driveway culvert size is 15" diameter or equivalent. The minimum length of culvert including ~~metered~~ mitered 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:

Subbase-12" stabilized subbase. Additional lime rock or asphalt may replace subbase.

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

Asphalt—2" type S-1-SP9.5 asphalt to match the existing pavement.

Overlay—50 ~~lbs~~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 Lime rock Bearing Ratio(LBR) of 40. 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 four (4) ~~eight (8)~~ feet wide. A reduction in the width requirement may be allowed if approved by the City ~~Manager~~ Engineer or designee.

Depth: Shoulders shall have a minimum depth of six (6) inches. Compaction: Shoulders shall be compacted to a minimum Lime rock Bearing Ratio (LBR) of 40. ~~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~~ SP 9.5 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 **2 inch depth to be placed in 2 – 1” lifts. The first lift will be placed during initial construction. The second lift will be bonded- require a cash bond for recording of the plat and placed once all home construction is complete.** ~~1 ½ inch depth of wearing surface on local street.~~ The minimum depth may be increased if required by the City ~~Manager~~ Engineer or designee.

Heavy Duty Roads: Heavy duty roads shall have a wearing surface consisting of two and one-half (2 1/2) inches of ~~S-1 SP 12.5 9.5~~ 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~~ ¼ -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 or Drop Curb~~, 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 ~~0.301%~~, 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~~homeowner's 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, LBR ~~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.

8) — 8) Inspections

The City of Fruitland Park is authorized to conduct in progress inspections at any time and for any reason. A City Field inspector shall be onsite during roadway construction for all streets to be dedicated to the city.

~~The City of Fruitland Park is authorized to conduct in progress inspections at any time and for any reason. A City Field inspector shall be onsite during roadway construction for all streets to be dedicated to the city.~~

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~~ Protection, but will not result in automatic approval of the stormwater management plan by the ~~City Manager~~ Community Development Director 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 ~~two (2) feet 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~~ Protection, whichever applies.
- 4) The peak rate of flow ~~or volume of stormwater runoff of the discharge hydrograph~~ for the project site shall not exceed the pre-development peak rate ~~or volume 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~~ Protection.
- 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~~ and testing 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-Community Development Director](#) 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 variation 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 Variances 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) Concurrency Management, Chapter 153
- 2) Zoning District Regulations, Chapter 154.
- 3) Landscaping Requirements and Tree Protection, Chapter 164.
- 4) Environmental Protection Regulations, Chapter 165.
- 5) Stormwater Management, Chapter 158.
- 6) Wellfield and Aquifer Protection, Chapter 166.
- 7) Historical and Archeological Resource Protection, Chapter 167.
- 8) Transportation Standards, Chapter 162.
- 9) Floodplain Protection, Chapter 161.

CHAPTER 158

STORMWATER MANAGEMENT

SECTION 158.010: PURPOSE AND INTENT

The purpose of the Chapter is to 1) preserve the water resources of the City, which are critical to the public health, safety and welfare of its citizens; 2) control stormwater runoff so as to prevent erosion, sedimentation and flooding; and 3) encourage recharge of the aquifer upon which the public depends for potable fresh water.

- a) The requirements hereafter are designed to allow landowners reasonable use of their property while promoting the following objectives:

Prevent loss of life and significant loss of property due to flooding; to protect, restore, and maintain the chemical, physical and biological quality of ground and surface waters; to encourage productive and enjoyable harmony between humanity and nature; to prevent individuals, business entities and governmental entities from causing harm to the community by activities which adversely affect water resources; to encourage the protection of wetlands and other natural systems and the use of those natural systems in ways which do not impair their beneficial functioning; to minimize the transport of sediments and pollutants to surface waters; to protect, restore, and maintain the habitat of fish and wildlife; to perpetuate natural groundwater recharge; to encourage the use of drainage systems which minimize the consumption of electrical energy or petroleum fuels to move water, remove pollutants or maintain the system; to ensure the attainment of these objectives by requiring approval and implementation of water management plans for all activities which may have an adverse impact upon groundwater and surface water; and to implement the Surface Water Management (SWM) program of the St. Johns River Water Management District.

SECTION 158.020: JURISDICTION

This Section shall apply in all areas of the City of Fruitland Park.

SECTION 158.030: PERMIT REQUIREMENTS

- a) No person shall conduct a development activity, or subdivide or make any change in the use of land, or construct any storm water management system or structure, or change in the size of an existing structure or system, except as exempted in Section 158.040 of this Chapter, without first obtaining a permit from the City Manager or designee as provided herein.
- b) The requirements of this section shall be implemented, and shall be satisfied completely, prior to:
- 1) Final subdivision plat approval; **or bonding of improvements.**
 - 2) Issuance of a Certificate of Occupancy on approved site plan projects; and

- 3) Final inspection for all projects.
- c) Approval of the storm water management permit shall be contingent on approval of any required ~~Management and Storage of Surface Waters~~ [Environmental Resource \(MSSW-ERP\)](#) permit from the St. Johns River Water Management District but will not result in automatic approval of the stormwater management permit by the City Manager or designee.
- d) For the purposes of this section, the following activities may alter or disrupt stormwater runoff patterns and shall, therefore, unless exempt in accordance with Section 158.040 require a permit prior to the initiation of any project:
 - 1) Clearing and/or construction for the drainage of land;
 - 2) Replatting recorded subdivisions and the development of recorded and unrecorded subdivisions;
 - 3) Changing the use of land and/or the construction of a structure;
 - 4) [Increasing](#) ~~Changing~~ the size of one or more structures;
 - 5) Altering shorelines or banks of waterbodies;
 - 6) ~~Increasing by five hundred (500) square feet or greater the impervious area of any parcel of land; and~~
 - 6) [Using natural or artificial waterbodies for storm water management purposes; and-](#)
 - 7) [Any construction other than single family or two family\(duplex\).](#)
- e) [Construction site operators must control waste such as discarded building material, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.](#)

SECTION 158.040: EXEMPTIONS

For the purposes of this section, the following activities shall be exempted from further consideration under the provisions of this section. However, these exemptions do not preclude the need to comply with other Chapters of this code.

a) ~~Residential Parcel Exemption.~~

~~Residential parcels where such parcels are part of an overall subdivision which has been approved in accordance with the Land Development Code.~~

b) ~~Agricultural Exemptions.~~

- 1) ~~Facilities for agricultural lands, provided those facilities are part of an approved Conservation Plan by the Soil Conservation Service, however, if the Conservation Plan is not implemented according to its terms, this exemption shall be void.~~

~~2) In determining whether an exemption is available to a person engaged in the occupation of agriculture, the purpose of the topographic alteration must be consistent with the practice of agriculture and such alteration may not be for the sole or predominant purpose of impounding or obstructing surface waters. In determining consistency with the practice of agriculture occupations, the Section will refer to the following publications: "A Manual of Reference Management Practices for Agricultural Activities (November 1978". The following activities, structures and waterbodies are considered as having impoundment or obstruction of surface waters as a primary purpose:~~

~~A) Section 158.040(b)(1), when such practice would cause diverted water to flow directly onto the property of another landowner;~~

~~B) Floodwater retarding structure;~~

~~C) Irrigation pit or regulating reservoir;~~

~~D) Pond;~~

~~E) Structure for water control;~~

~~F) Regulating water in drainage systems; and~~

~~G) Pumping plant for water control, when used for controlling water levels on land.~~

~~3) Other practices which are described in the Manual and which are constructed and operated in compliance with Soil Conservation service standards and approved by the Lake County Soil and Water Conservation District are presumed to be consistent with agricultural activities. Activities or practices not described in the manual are presumed to be inconsistent with the practice of agriculture.~~

~~c) Silvicultural Exemption.~~

~~1) Facilities for silvicultural lands, provided that the facilities are constructed and operated in accordance with the Silviculture Best Management Practices Manual, (1979), published by the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry; and provided further that a Notice of Intent to conduct silviculture activity is received by the City Manager or designee in accordance with the provisions in Subsection 158.040(c)(5) below.~~

~~3) In determining whether an exemption is available to a person engaged in the occupation of silviculture, the purpose of the topographic alteration must be consistent with the practice of silviculture and such alteration may not be for the sole or predominant purpose of impounding or obstructing surface waters. The following activities are presumed to be consistent with the practice of silviculture when they are undertaken to place property into silviculture use or perpetuate the maintenance of property in silviculture use:~~

- ~~A) Normal site preparation for planting of the tree crop;~~
- ~~B) Planting; and~~
- ~~C) Harvesting.~~
- ~~3) If any activity is undertaken to place the property into use other than silviculture, the activity is not considered to be consistent with the practice of silviculture and shall be subject to permitting by the City.~~
- ~~4) Specifically exempt from permitting under this section are the construction, operation, maintenance, alteration, abandonment and removal of above grade, unpaved, upland silvicultural roads with up to twenty-eight (28) feet of road surface within a construction corridor up to fifty (50) feet in width. These roads must incorporate sufficient culverts at grade and may have associated borrow ditches. Road ditches exempted under this provision are those constructed only to obtain road material for the exempt road and to provide only enough storage to maintain a dry road surface. Exempt road ditches must not be designed nor may they serve to provide drainage to the tract adjoining the road. These road ditches must not connect directly or indirectly to any works not owned by the person who owns the exempt road and must be separated from streams, watercourses or~~
- ~~5) No construction, operation, maintenance, alteration, abandonment or removal of a minor silvicultural surface water management system shall commence until a completed Notice of Intent is received by the City Manager or designee. If the activities described above are undertaken without proof of Notice of Intent to the City Manager or designee, these activities shall be considered as being undertaken without a permit. The Notice of Intent shall only authorize construction, operation, maintenance, alteration, abandonment or removal when it is received by the City Manager or designee and provided the proposed activity qualifies under this section.~~

a) Residential, Agricultural, Silvicultural Exemptions.

All exemptions within these categories shall follow the exemption criteria as set forth by the current St. Johns River Water Management District Regulations.

b) Emergency Exemption.

Emergency maintenance work performed for the protection of public health and welfare.

c) Maintenance Exemption.

Any maintenance to an existing system made in accordance with permitted plans and specifications.

d) Single-Family or Duplex Exemption.

Single-family or duplex residential construction on a single lot.

SECTION 158.050: PERFORMANCE CRITERIA

Stormwater management permit applications shall be approved by the City Manager or designee when it is demonstrated to the satisfaction of the City Manager or designee that the proposed development activity has been planned and designed, and shall be constructed and maintained, to meet the performance criteria described herein. ~~The stormwater management system design shall conform to the City of Fruitland Park Stormwater Design Standards approved and adopted by the City Commission.~~ **The stormwater management system design shall conform to the most recent regulations adopted by the St. Johns River Water Management District, and meet the Design Standards approved and adopted by the Water Management District.**

- a) All developments within a riverine flood hazard shall be designed to maintain the flood carrying capacity of the floodway such that the base flood elevations are not increased, either upstream or downstream.
- b) 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 two (2) feet above the elevation of the 100 year flood, as determined by the City Manager or designee. For industrial development, flood proofing may be substituted in lieu of elevating the finished floor.
- c) 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 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 floodplain shall not reduce the flow rate.
- d) ~~Projects shall be designed so that storm water discharges meet, at a minimum, the water quality criteria set forth by the St. Johns River Water Management District and the requirements of the City of Fruitland Park Storm Water Design Standards in order to achieve the state water quality standards established by the Florida Department of Environmental Regulation in Chapter 17-3, Florida Administrative Code.~~
- e) ~~The peak rate of flow of the discharge hydrology for the project site shall not exceed the pre-development peak rate of flow for the range of storms specified in the City of Fruitland Park Storm Water Design Standards, if the project area is not contributory to a land-locked area with no positive outlet. When the project area is contributory to a land-locked area with no positive outlet, the project shall provide extended detention for the difference in volume of storm water discharge for pre-development and post-development conditions from the 25-year, 96-hour storm event.~~
- f) ~~The storm water management system shall not create an adverse impact to upstream or downstream areas. Offsite areas which discharge to or across a site proposed for development shall be accommodated in the storm water management plans for the development. No storm water management permit application shall be approved until the Applicant demonstrates that the runoff~~

~~from the project shall not overload or otherwise adversely impact any downstream areas.~~

~~g) The stormwater management system shall not cause adverse environmental impacts to wetlands, fish, wildlife or other natural resources.~~

~~h) Wetland shall not be used for storm water treatment.~~

~~i) 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.~~

e) d) Storm water facilities shall be designed to perform as follows:

1) Bridges. Hydraulic profile shall be below the top cord of the bridge for the 50-year, 24-hour storm.

~~1)2)~~ Storm water detention and retention ponds which are contributory to land-locked areas with no positive outlet shall be designed for the 25-year, 96-hour storm.

~~2)3)~~ Canals, ditches, or culverts external to the development and storm water detention or retention basins which are part of a project that is not contributory to a land-locked area with no positive outlet, shall be designed for the 25-year, 24-hour storm.

2)3) Storm water flooding for all arterial and collector roads (as classified in Section 157.080(a)(3)) shall not exceed one-half ($\frac{1}{2}$) of the roadway width. For all local roads (as classified in Section 157.080(a)(3)) storm water flooding shall not exceed the crown of the road for the 10-year, 24-hour storm.

3)4) Storm sewers and roadside swales shall be designed such that the hydraulic gradient is 1.0 foot below the gutter line or edge of pavement for arterial roadways; and 0.5 feet below the gutter line or edge of the pavement for collector and local roadways for the 10-year, 24-hour storm.

e) All proposed stormwater management systems shall be designed to prevent flooding, promote safety and minimize health hazards.

f) All stormwater management systems shall be designed meet or exceed the St John's River Water Management District's water quality standards. ~~to reduce the pollution of surface water and groundwater resources by storm water, control erosion and provide for recharge where appropriate. The City Manager or designee, while enforcing standards set for pollution and sedimentation control, may encourage or request innovative approaches to control pollution and erosion, and to provide for recharge.~~

SECTION 158.060: STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES SYSTEM DESIGN CRITERIA

- a) ~~Stormwater management systems shall be designed in accordance with the criteria contained in the City of Fruitland Park Stormwater Design Standards approved and adopted by the City Commission as set out in Appendix 2 of the Land Development Code.~~
- b) ~~The City may periodically modify these storm water design criteria to meet the objectives of this section or other construction codes which may be required by the City. These modifications shall be complied by the City Manager or designee in a set of amended City of Fruitland Park Storm Water Design Standards and incorporated into the adopted City of Fruitland Park Storm Water Design Standards.~~

Clearing and Grading Standards:

- a) The purpose of this section is to provide specific criteria for allowable clearing and grading in order to prevent soil erosion and any impact on adjoining properties. Specific criteria for a clearing permit ~~is are~~ located within Chapter 160, Site Development Plan Approval, Section 160.090 "Issuance of Development Permits".

In addition, the purpose of this Section is to comply with Comprehensive Plan Policy 5-2.7 Reduce Sediments and Suspended Solids Associated with Shoreline Erosion and Policy 5-7.1 Implementing Erosion Control.

- b) A clearing permit shall be secured and clearing shall be completed prior to the issuance of any other development permit. No site clearing shall take place on any subject property to an approved site development plan until a clearing permit has been issued by the City Manager or designee. Standards and criteria for a clearing permit is stated within Section 160.090, "Issuance of Development Permits," as stated above.
- c) Standard practices shall be used to prevent erosion and the depositing of soils off-site. This shall also include the protection of bare soils from wind forces. Factors which influence erosion potential include soil characteristics, vegetative cover, topography and climatic conditions. The following principles must be considered in planning and undertaking construction within the development (~~NPDES Rules Applicant's Handbook, Management and Storage of Surface Waters, St. Johns River Water Management District, 40C-4~~).
 - 1) Plan the development to fit topography, soils and drainage patterns;
 - 2) Minimize the extent of area exposed at one time and the duration of exposure;
 - 3) Schedule areas with greatest erosion potential for dry, rather than wet, season exposure;
 - 4) Apply erosion control practices to minimize erosion from disturbed areas;

- 5) Apply perimeter controls to protect the disturbed area from off-site runoff and to trap eroded material on-site to prevent sedimentation in a downstream area;
 - 6) Stabilize the disturbed area immediately after the final grade has been attained or during interim periods of inactivity resulting from construction delays; and
 - 7) Implement a thorough maintenance and follow-up program.
- d) A plan must be prepared and submitted to the City Manager or designee with the permit application. The plan must include consideration of the site specific erosion potential, including slopes, soil ~~erodability~~erodibility, vegetative cover, and runoff characteristics. The following is a listing of the information which must be included in the plan, to be shown on the construction or alteration plans, detail sheets or other appropriate documents.
- 1) The existing and proposed topography;
 - 2) A general description of the predominant soil types on the site, and the corresponding ~~erodability~~erodibility potential as described by the appropriate soil survey information or on-site investigation;
 - 3) Schedule and general description of each construction phase of the project. At a minimum, the following applicable phases must be addressed: clearing, excavation earthwork, embankment earthwork, site utilities, roads, site grading and stabilization. The schedule must include estimated starting date and duration. Description must include limits of area impacted by each phase; and
 - 4) For each phase a description is required for individual erosion control measures, which are required to be shown on construction plans or detail sheets.
 - i) Estimated date of installation and removal;
 - ii) location;
 - iii) purpose of measure and areas served;
 - iv) detailed construction drawings and specifications;
 - v) operation and maintenance schedule;
 - vi) all documentation including referenced design standards and specifications.
- e) The burying of rubbish, logs, lumber, building materials, underbrush, trash or other matter which would decompose or allow the land to thereafter settle is hereby determined to be a change or modification of the grade of land for which no permit shall be issued.

Duly authorized landfills and limited burying as approved as part of the construction of landscaped berms and similar features in non-buildable areas.

- f) If construction is planned within shoreline areas all necessary measures shall be taken to minimize soil erosion and to control sedimentation in the disturbed area. The following protection shall be provided for all disturbed areas:

A) 1) Minimize velocities of water runoff.

B) 2) Maximize protection of disturbed areas from stormwater runoff.

C) 3) Retain sedimentation within the development site as early as possible following the disturbance.

- g) Erosion control measures must be taken to prevent detachment and transportation of soil particles. The property owner or his designee shall not adversely impact aquatic vegetation within the wetland littoral zone located between the upland area and the ordinary high water line. No such vegetation shall be disturbed without the required state and federal regulatory agency permits.

The property owner or his agent shall acquire the necessary permits, if applicable, from the Florida Department of Environmental Regulation (FDER), St. Johns River Water Management District (SJRWMD), U.S. Army Corps of Engineers (ACOE), and the Florida Department of Natural Resources (FDNR).

Turbidity barriers must be installed at all locations where the possibility of transferring suspended solids into the receiving waterbody exist due to the proposed work. Turbidity barriers must remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the property owner will be responsible for the removal of the barriers.

The property owner or his agent must implement and operate all erosion and sediment control measures required to retain sediment on-site and to prevent violations of water quality standards as specified in Chapters 17-3 and 17-4, F.A.C. If construction is scheduled to occur within open water areas turbidity curtains must be correctly placed to control sedimentation and turbidity within the waterbody. The property owner or his agent is encouraged to use appropriate Best Management Practices for erosion and sediment control as described in the Florida Land Development Manual: A Guide to Sound Land and Water Management, FDER, 1988.

SECTION 158.070: DEDICATION OF DRAINAGE EASEMENTS AND RIGHTS-OF-WAY.

- a) Drainage easements or rights-of-way, ~~as specified in the City of Fruitland Park Stormwater Design Standards,~~ shall be conveyed by the owner at no expense to the City for the stormwater facilities within the development.

- b) When a proposed drainage system will carry water across private land outside the development, the off-site drainage easements ~~as specified in the City of Fruitland Park Stormwater Design Standards~~ shall be secured by the owner or applicant and indicated on the plat, or in a separate recorded document approved by the City.
- c) When a development is traversed by a watercourse or open channel, the applicant shall provide a drainage easement or right-of-way conforming substantially to the lines of such watercourse or open channel, which shall be a minimum width, as determined by the City Engineer or designee ~~specified in the City of Fruitland Park Stormwater Design Standards~~. Wherever possible, drainage shall be maintained by an open channel with landscaped banks with adequate width for the maximum potential volume of flow.
- d) Easements and rights-of-way shall include suitable access ~~as specified in the City of Fruitland Park Stormwater Design Standards~~ for maintenance equipment from public rights-of-way.
- e) 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.

SECTION 158.080: MAINTENANCE

All stormwater maintenance shall be in conformance with the latest St. Johns River Water Management District Regulations.

~~a)The City Manager or designee shall approve a written maintenance plan upon a finding that the plan meets the terms of this Section. The written operation and maintenance plan shall contain the information in this section as the minimum criteria that shall be accepted by the City Manager or designee. The Maintenance plan shall include:~~

- ~~1)Demonstration of the ability of an entity to provide adequate maintenance;~~
- ~~2)Written agreement of acceptance of an entity to maintain the facilities;~~
- ~~3)Specific maintenance activities to be performed;~~
- ~~4)Frequency of maintenance activity; and~~
- ~~5)Measurable objective of maintenance activity.~~

~~b)The installed stormwater system shall be maintained by the legal entity responsible for maintenance. All stormwater management permit applications 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. The City considers the following entities acceptable to operate and maintain stormwater management facilities:~~

- ~~1)Local governmental units including the City, County, other municipalities or Municipal Service Taxing Units.~~

- ~~2)Active Chapter 298, Florida Statute, water control districts or drainage districts, or Chapter 190, Florida Statute, Community Development Districts, or Chapter 170, Florida Statute, Special Assessment Districts.~~
- ~~3)Non-profit corporations including homeowners associations, property owners associations, condominium associations, or master associations under certain conditions which ensure that the corporation has the financial, legal and administrative capability to provide for the long term operation and maintenance of the facilities.~~
- ~~4)The property owner or developer as permittee is normally not acceptable as a responsible entity, especially when the property is to be sold to various third parties. However, the property owner or developer may be acceptable under one of the following circumstances:
 - ~~A)The property is wholly owned by permittee and the ownership is intended to be retained. This would apply to a farm, corporate office, or single industrial facility, for example.~~
 - ~~B)The ownership of the property is retained by the permittee and is either leased to third parties (such as in some shopping centers) or rented to third parties (such as in some mobile home parks), for example.~~~~
- ~~e)The stormwater management system to be maintained by the legal entity shall have adequate easements, in accordance with Section 158.070 of the Land Development Code, to permit the City to inspect, and if necessary, to take corrective action should the legal entity fail to maintain the system properly.~~
- ~~d)Maintenance of stormwater facilities shall allow the stormwater management system to perform as originally designed and permitted by the City and other appropriate governmental agencies and as set forth in the written plan.~~
- ~~e)Maintenance shall include compliance with City building and construction codes, and all other applicable City codes.~~
- ~~f)Non-Profit Corporations shall annually report to the City the maintenance performed during the year and demonstrate their financial capability to provide the required maintenance for the coming year. This shall be done to reflect compliance with their written maintenance plan.~~
- ~~g)The legal entity shall execute and record a document acceptable to the City Attorney which defines its authority and responsibility for maintenance of the stormwater management system, defines how the maintenance is to be performed, defines the funding mechanisms for the required maintenance, and provides a legal mechanism assuring the perpetuation of the maintenance.~~
- ~~h)In order to assure maintenance during the two five (25) year maintenance period security shall be submitted before acceptance of the constructed facilities. The security shall be in the form of an approved financial instrument which may include, but not be limited to, cash or performance bonds and letters of credit. The amount of security shall be ten percent (10%) of the certified construction cost estimate or the actual construction amount. The security shall be released~~

~~at the end of the two five (25) year period upon inspection which confirms that the system has been properly maintained and is operating in accordance with the approved construction plans.~~

SECTION 158.090: INSPECTIONS

Subsequent to the permittee satisfying the requirements of Section 158.060, other applicable sections and the issuance of the appropriate permit, the permittee shall, during construction, arrange and schedule the following inspections by the City Manager or designee:

- a) During clearing operation and excavation to assure that effective control practices relative to erosion and sedimentation are being followed.
- b) All underground conveyance and control structures prior to backfilling.
- c) Final inspection when all systems required by the permittee's approved stormwater management plan have been installed.
- d) The Professional Engineer or Landscape Architect for the project shall submit a signed and sealed set of as-built plans, on reproducible Mylar brand polyester film drawing sheets, to certify the system has been constructed as designed and satisfies all conditions of the stormwater management permit. Where changes have been made to the stormwater management system which deviate from the approved construction plans, the Professional Engineer or Landscape Architect shall submit supporting documentation with the as-built plans which proves that the stormwater systems shall be in compliance with this section ~~and the City of Fruitland Park Stormwater Design Standards (STDS)~~. Failing to substantiate compliance with this section and STDS the project shall be modified prior to issuance of a CO.
- e) Maintenance and compliance inspections of stormwater management systems shall be conducted on a routine, periodic basis, as deemed appropriate by the City, **the St. Johns River Water Management District**, or as complaints arise concerning the system. By seeking and obtaining a permit under this Section, the operator and owner shall be deemed to have consented to inspections by the City and other appropriate regulatory agencies or City Manager or designee upon presentation of proper identification by the representative(s) of the agency(ies) conducting the inspection.

SECTION 158.100: ENFORCEMENT

If the City Manager determines that the project is not being carried out in accordance with the approved plan, or if any project subject to this Chapter is being carried out without a permit, the City Manager is authorized to:

- a) Give the legal entity written notice of this corrective action required to be taken. Should the legal ~~entity~~ **entity fail** ~~fail~~ within thirty (30) days of the date of the notice to complete such corrective action, the City may enter upon the property, take the necessary corrective action, bill the violator and if the bill is not paid within ninety (90) days, file a lien upon the property for the cost of such corrective action.

- b) The City may take appropriate corrective action in the event of an emergency situation which endangers persons or property or both as determined to exist by the City Manager.
- c) Issue written notice to the permittee specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance within five (5) working days.
- d) Issue a stop-work order directing the permittee or persons in possession to cease and desist all or any portion of the work that violates the provisions of this Chapter if the remedial work is not completed within the specified time. The permittee shall then bring the project into compliance.

SECTION 158.110: EMERGENCY EXEMPTION

- a) This Chapter shall not be construed to prevent the doing of any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including, but not limited to, fire, infestation by pests, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of the property.
- b) A report of any such emergency action shall be made to the City Manager by the Owner or person in control of the property upon which emergency action was taken as soon as practicable, but no more than ten (10) days following such action. Remedial action may be required by the City Manager subject to appeal to the City Commission in the event of a dispute.

SECTION 158.120: VARIANCES

When an applicant can show that, due to no fault of his own, but, because of strict interpretation of this Chapter, a hardship has been created, the Commission may grant a variance to any of the requirements of this Chapter, in accordance with Chapter 168 of the Land Development Code.

[No variance or appeal will be considered, where the action or requirement in question clearly is derived from the actions or requirements of Federal, State or regional agencies as part of their permitting process.](#)

SECTION 158.130: APPEALS OF CITY DECISION

The City Commission shall have the power and authority to hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the City Manager or designee in the administration of this Chapter, to determine whether the administrative determination appealed from was correct or not, and if not, to make proper determination.

SECTION 158.140: VIOLATIONS AND PENALTIES

The following penalties shall be available to the event of a violation of the provisions of this Chapter of the City of Fruitland Park Code, any other applicable laws, rules or regulations or permits.

- a) Enforcement. All violations of the terms and conditions of the approved storm water management system permit, this Chapter, or any other Chapter, rule, regulation or law may be enforced by enforcement action of the City Manager, by enforcement through Ch. 162, Florida Statutes and the City of Fruitland Park Code of Ordinances, including imposition of penalties as set forth in sec. 10-99 General penalty.
- b) Civil or Criminal Enforcement. Nothing in this Chapter precludes the City of Fruitland Park from seeking immediate injunctive relief or taking such other lawful action, including but not limited to, forfeiture of the financial security held by the City to prevent or remedy any violation of any approved storm water management system permit, or any violation of the terms of this or any other City Code, or any other law, rule or regulation. Violation of any of the terms and conditions of any approved storm water management system permit, or any of the terms and condition of this Chapter, may be prosecuted as provided in ~~Chapter 125, Florida Statutes, Section 125.69~~ Chapter 162, Florida Statutes.
- c) Cumulative Effect. The penalties provided for herein are cumulative. Use of one method of enforcement shall not preclude the City from using other methods of enforcement for the same violation.

SECTION 158.150: NPDES STORMWATER ILLICIT DISCHARGE REGULATIONS

a) Purpose/Intent:

The purpose of this ordinance is to protect the health, safety, and general welfare of the citizens of Fruitland Park through the regulation of non-stormwater discharges to storm drainage systems as required by federal and state law. This section shall apply to all discharges entering the storm drain system generated from any developed or undeveloped lands unless explicitly exempted by law. This section establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process and state law, The objectives of these regulations are:

1. To regulate the contribution of pollutants to the Municipal Separate Storm Sewer System (MS4) by stormwater discharges.
2. To prohibit Illicit Connections and Discharges to the Municipal Separate Storm Sewer Systems.
3. To establish authority to carry out all inspection, monitoring and enforcement procedures necessary to ensure compliance with this section.

b) Definitions:

For the purposes of this section, the following terms shall mean:

1. *Best Management Practices (BMPs)* – Methods that are the most effective means of preventing or reducing pollution from non-point sources, such as pollutants carried by runoff. BMP's can be structural (~~e-g-e.g.,~~ ponds, oil and water separator, silt fence, hay bales) or non-structural (~~e-g-e.g.,~~ education, maintenance).
2. *Illegal Discharge* – Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in subsection C, Discharge Prohibitions.
3. *Illicit Connections* Either of the following:
 - a. ~~A.~~ Any surface, or subsurface, drain or conveyance which allows an illegal discharge to enter the storm drain system, including but not limited to, any conveyances which allow any non-stormwater discharge including sewage, wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized agency; or
 - ~~b.~~ ~~B.~~ Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized agency.
4. *Industrial Activity* – ~~Activites~~**Activities** subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
5. *Municipal separate storm Sewer (MS4)* – a conveyance or system of conveyances like roads with stormwater systems, municipal streets, catch basins, curbs, gutters, constructed channels or storm drains as defined in Section 62-624.200, Florida Administrative Code.
6. *National Pollutant Discharge Elimination System (NPDES Stormwater Discharge Permit* – a permit issued by the Environmental Protection Agency (EPA) or Florida Department of Environmental Protection (DEP) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
7. *Non-Stormwater Discharge* – any discharge to the storm drain system that is not composed entirely of stormwater.
8. *Pollutant* – anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulation, so the same may cause or contribute to pollution; pesticides, herbicides, and fertilizers;

hazardous substances and wastes; sewage and other biological waste, dissolved and particulate metals; animal wastes; soils; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

c) Discharge Prohibitions~~r~~

The commencement, conduct or continuance of any non-stormwater discharge to the Municipal Separate Storm Sewer System or watercourse from a ~~from a~~ storm drain system is prohibited, except the following:

- a1) Uncontaminated water line flushing
- b2) Rising ground waters
- c3) Uncontaminated groundwater infiltration
- d4) Uncontaminated pumped ground water
- e5) Potable water
- f6) Foundation drains
- g7) Air conditioning condensate
- h8) Irrigation
- i9) Springs
- j10) Water from crawl space pumps
- k11) Footing drains
- l12) Individual residential car washing
- m13) Natural flows from riparian habitats and wetlands
- n14) Dechlorinated swimming pool discharges
- o15) Fire fighting discharges

d) Industrial or Construction Activity Discharges~~r~~

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit shall be required in a form acceptable to the City prior to the allowing of discharges to the MS4.

1. Access to Facilities~~r~~

- aA. The City of Fruitland Park shall be permitted to enter and inspect facilities subject to regulation as often as may be necessary, at reasonable times, to determine compliance

with this section. Facility operators shall make the necessary arrangements to allow access to representatives of the City. Failure to allow the City access to a permitted facility is a violation of a stormwater discharge permit and of this section.

b-B. Facility operators shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

c-C. The City of Fruitland Park shall have the right to set up on any permitted facility such devices as are necessary to conduct monitoring and/or sampling of the facility's stormwater discharge.

d-D. The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

e-E. Any temporary or permanent obstruction to access the facility to be inspected or sampled shall be promptly removed by the operator at the written request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.

e) Requirement ~~To~~ Prevent, Control, and Reduce Storm Water Pollutants ~~By~~ the Use of Best Management Practices.

The City of Fruitland Park shall require that Best Management Practices are utilized for any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the Municipal Storm Drain System or watercourses through the use of structural or non-structural BMP's. Any person responsible for a property or premise which is the source of an illegal discharge shall be required to implement, at said person's expense, additional structural or non-structural BMP's to prevent the further discharge of pollutants to the Municipal Separate Storm Sewer System. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity shall be required. These BMP's shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

f) Notification of Discharge-

Notwithstanding other requirements of law, if any person responsible for a facility or operation, is aware of any known or suspected release of materials which may result in illegal discharges or pollutants discharging into a storm drain system or Florida waters said person shall notify the City and immediately take all necessary steps to ensure the discovery, containment, and cleanup of such release. If the discharge of prohibited materials emanates from an industrial or construction activity, the owner or operator shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years or as required by federal or state law, whichever is longer.

| g) Enforcement:

Whenever the City finds that a person has violated or failed to meet a requirement of this section, the City shall order compliance by written notice of violation to the responsible person.

1. The performance of monitoring, analyses, and reporting may be required;
2. The elimination of illicit connections and illegal discharges shall be required;
3. The violating discharges, practices, and operations shall be required to cease and desist;
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property shall be required; and
5. The implementation of source control or treatment BMP's shall be required.

CHAPTER 159

UTILITIES

SECTION 159.010: PURPOSE AND INTENT.

The following requirements and regulations are intended to provide water, sewer service, solid waste, and stormwater facilities necessary to: 1) meet the level of service requirements of the Comprehensive Plan; 2) provide adequate service capacities for individual projects; and 3) meet the requirements of other related Codes and standards adopted by the City or required by regional, State and Federal agencies.

~~**SECTION 159.020: IN GENERAL.** (Section 159.020 to be placed in Code of Ordinances)(add language to Code of Ordinances allowing additional 25% [up to 150%] increase on utility fees for properties outside of city limits if annexation is not permitted by law)~~

~~a) Furnishing Water or Sewer Free of Charge Prohibition.~~

~~No water or sewer shall be furnished free of charge to any person, firm or corporation, whatsoever, except to the City for municipal purposes.~~

~~b) City of Fruitland Park Utility Service Zone.~~

~~Pursuant to the provisions of F.S. 180.02(3), the following described area is hereby designated as the City Utility Service Zone. Bounded on the north by the south side of Lake Ella Road and Eagles Nest Road, east to the shore line of Lake Griffin, south along the west shoreline of Lake Griffin to the south line of Section 11, Township 19 South, Range 24 East, west along the south line of Sections 10 and 11 to the northeast corner of Section 16, south along the east line of Section 16 to the mid-section line, west along the mid-section line of Sections 16, 17, and 18 to the Sumter County line.~~

~~All persons or corporations living or doing business within the Utility Service Zone shall connect, when available, into the utility system when constructed, erected, extended, and operating in the designated area by the City in accordance with the pertinent ordinances of the City, State, or any other that may hereinafter be enacted.~~

~~"Notwithstanding this provision, as set forth further in Section 159.020(c) below, connection to the municipal sewer system by owners of lots or parcels lying outside the corporate limits of the City is not currently mandatory, but the City Commission reserves the right to amend such provision as deemed necessary to promote and protect the health and welfare of the citizens of Fruitland Park and its surrounding areas.~~

~~c) Connection to Fruitland Park Utility Systems.~~

~~Where the same shall be available, the owner of every lot or parcel of land within the city, shall connect or cause the plumbing of any building or buildings thereon to be connected with the municipal waterworks and sewer systems of~~

~~the city, and use the facilities of those systems. All connections shall be made in accordance with the rules and regulations which shall be adopted from time to time by the City Commission, which rules and regulations shall provide for a charge for making any connections in a reasonable amount as the Commission may fix and determine. However, this chapter shall not be construed to entitle any person to cross the private property of another to make any utility connections during the initial construction of any distribution line of the waterworks or a collection/transmission component of the sewer system.~~

~~Also, where same shall be available, connection to the municipal waterworks and sewer systems by owners of lots or parcels lying outside the Corporate limits of the City is not mandatory. A request for connection to the waterworks or sewer system by such owners or legally authorized persons is subject to the approval of the City Commission. However, those owners of lots or parcels lying outside the Corporate limits of the City that are connected to the City waterworks must also connect to the City Sewer System where same is deemed available.~~

~~The owner of the property shall be responsible for maintaining all plumbing on the property and the pipe leading and connecting from the waterworks system distribution lines. Pursuant to Section 159.050(j) and (n) the City shall maintain the sewer system components described therein.~~

~~d) Adoption of Standard Construction Details.~~

~~All utility construction shall comply with Standard Construction Details as adopted by the City Commission. Any deviation from the adopted standards shall be clearly noted in plans and specifications as such and specifically approved by the City. If inadvertent deviations in plans are not so noted, adopted standards shall apply.~~

SECTION 159.0320: WATER SERVICE.

a) Minimum Service Requirements.

All development shall provide new facilities, or expand existing facilities, to provide minimum service as follows:

- 1) Subdivisions shall construct water mains necessary to provide adequate water service for domestic use and fire protection to each lot created. Minimum water main size installed shall be per Table ~~160-1~~ ~~159-1~~ ~~159-1~~ "Minimum Main, Size, Flow Rate, and Hydrant Spacing by Land Use." Water service taps shall be installed for each lot, with a minimum ~~3/4~~ 1" tap for single residential service, and a minimum one ~~inch~~ ~~inch~~ (~~1 1/2~~"") tap for a double residential service. Commercial services shall be sized based on the anticipated highest water demand of allowed land uses.
- 2) Site development plans shall show construction of water mains extending to the site and on site, as necessary to provide adequate water service for domestic use and fire protection for the proposed buildings and uses. Minimum water main size installed shall be per Table ~~160-1~~ ~~159-1~~ ~~159-1~~ "Minimum Main Size, Flow Rate, and Hydrant Spacing by Land Use." Water service tap(s) shall be installed if not already available, based on

the anticipated domestic water and fire sprinkler flow demand of the proposed building and use.

- 3) Use of private wells for potable water supply shall not be permitted.

b) Water System Technical Standards.

- 1) General.

Any potable water supply system within the city shall be designed, installed and maintained in such a manner as to prevent contamination from nonpotable liquids, solids or gases being introduced into the potable water supply through cross connections or any other piping connections to the system.

- 2) Cross Connections Prohibited.

Cross connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where, as approved by the City, suitable protective devices such as the reduced-pressure-zone-backflow-preventer or equal are installed, tested, and maintained to ensure proper operation on a continuing basis.

- 3) Interconnections.

Interconnections between two or more public water supplies shall be permitted only with the approval of the State or Federal authority having jurisdiction. Cross connections between an individual water supply and a potable public supply shall not be made unless specifically approved by the authority having jurisdiction.

- 4) Prohibited Connections to Fixtures and Equipment.

Connection to the potable water supply system for the following is prohibited unless protected against backflow in accordance with section 6 as set out herein.

- A) Bidets;
- B) Operating, dissection, embalming and mortuary tables or similar equipment – in such installations the hose used for water supply shall terminate at least twelve (12) inches away from every point of the table or attachment;
- C) Pumps for nonpotable water, chemicals, or other substances—priming connections may be made only through air gap.
- D) Building drainage, sewer, or vent systems; or
- E) Any other fixture of similar hazard.

5) Refrigerating Unit Condensers and Cooling Jackets.

Except where potable water provided for refrigerator condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved check valve. Also, if the refrigeration units contain more than 20 pounds of refrigerants, an approved pressure-relief valve set to relieve at five pounds per square inch (psi) above the maximum water pressure at the point of installation shall be provided adjacent to and at the outlet side of the check valve.

6) Protection Against Backflow and Back Siphonage.

A) *Water Outlets.*

A potable water system shall be protected against backflow and back-siphonage by providing and maintaining at each outlet:

- i) An air gap, as specified in Section ~~159.030(b)(6)(A)(ii)~~ ~~159.030(b)(6)(B)~~ ~~159.020(b)(6)(B)~~ below, between potable water outlet and the flood-level rim of the fixture it supplies, or between the outlet and any other source of contamination; or
- ii) A backflow preventer.

B) *Minimum Required Air Gap.*

- i) *Measurements*—The minimum required air gap shall be measured vertically from the lowest end of potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.
- ii) *Size*—The minimum required air gap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a wall or similar vertical surface, in which case, the minimum required air gap shall be three times the effective opening of the outlet.

C) *Approval of Devices.*

Before any device for the prevention of backflow or back-siphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the City. Devices installed in a building's potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system. The City Manager or designee shall routinely inspect such devices and, if found to be defective or in-operative, shall require the replacement thereof.

D) *Installation of Devices.*

- i) *Vacuum Breakers*—Vacuum breakers shall be installed with the critical level at least six inches above the flood-level rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shutoff valve or faucet shall be installed beyond the vacuum breaker. For closed equipment or vessels, such as pressure sterilizers, the top of the vessel shall be treated as the flood-level rim, and a check valve shall be installed on the discharge side of the vacuum breaker.
- ii) *Reduced-pressure-principle-backflow-preventer* — A reduced-pressure-principle-type-backflow-preventer may be installed subject to full static pressure.
- iii) *Devices of All Types*—Backflow and back-siphonage preventing devices shall be accessibly located, preferably in the same room with the fixture they serve. Installation in utility or service spaces, provided they are readily accessible, is also permitted.

E) *Tanks and Vats below Rim Supply.*

- i) Where a potable water outlet terminates below the rim of a tank or vat, the overflow pipe shall be provided with an air gap as close to the tank as possible.
- ii) The potable water outlet to a tank or vat shall terminate a distance not less than 1½ times the height to which water can rise in the tank above the top of the overflow. This level shall be established at the maximum flow rate of the supply to the tank or vat and with all outlets except the air gap overflow outlet closed.
- iii) The distance from the outlet to the high water level shall be measured from the critical point of the potable water supply outlet.

F) *Protective Devices Required.*

Approved devices to protect against backflow and back-siphonage shall be installed at all fixtures and equipment where backflow or back-siphonage may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood-level rim.

- i) *Connections not Subject to Back Pressure*—Where a water connection is not subject to back pressure, a vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment.
- ii) *Connections Subject to Back Pressure*—Where a potable water connection is made to a line, fixture, tank, vat, pump or other equipment with a hazard of backflow or back-siphonage

where the water connection is subject to back pressure, and an air gap cannot be installed, the City Manager or designee may require the use of an approved reduce-pressure-principle-backflow-preventer.

~~G) *Double Check Valves.*~~

~~The City Manager or designee may authorize installation of approved, double check valve assemblies with test cocks as protective devices against backflow in connections between a potable water system and other fluid systems that present no significant health hazard in the judgment of the City Manager.~~

~~H)G) *Low Pressure Cutoff Required on Booster Pumps.*~~

When a booster pump is used on a water-pressure booster system and the possibility exists that a positive pressure of 10 psi or less may occur on the suction side of the pump, there shall be installed a low-pressure cutoff on the booster pump to prevent the creation of a vacuum or negative pressure on the suction side of the pump, thus cutting off water to other outlets.

c) Maintenance Requirements.

1) *General Requirements.*

It shall be the responsibility of building and premise owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make no piping or other arrangements for the purpose of bypassing backflow devices.

2) *Backflow Preventers.*

Periodic testing and inspection schedules shall be established by the City Manager or designee for all backflow preventers, and the interval between testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals should not exceed one (1) year, and overhaul intervals should not exceed five (5) years. These devices should be inspected frequently after the initial installation to ensure that they have been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when approved by the City.

d) Water Distribution System Design.

The layout of water distribution systems shall comply with the following design criteria, and the adopted Standard Utility Details of the City.

1) *Minimum Size.*

When designing water mains to meet the criteria above, main size shall always be sized so that any new main is fed by an existing main of equal or larger size.

2) Extension of Lines to Project Boundaries.

Water mains shall be designed to “stub out” to the project boundaries to serve adjacent unserved properties. This shall include mains in all right-of-way stubs, across the entire project frontage on existing roads without existing mains, and to the property boundary via easement when there is insufficient access to provide a looped system to adjacent unserved properties.

3) Valves.

Valves shall be provided so that inconvenience and sanitary hazards will be minimized during repairs. Valves should be located at no more than five hundred (500) foot intervals in commercial districts and at no more than eight hundred (800) foot intervals in other districts.

4) Looping.

Except as provided below, all water mains shall be looped to provide for adequate pressures and system redundancy. Water mains shall be designed so that in the event that water supply is interrupted on one end of the loop, the flow of water to the loop shall not be entirely eliminated. In order to meet the requirement for such system looping the points of new connection to the existing distribution system shall be as far apart as possible and no closer than 500 feet along the existing water line(s).

5) Provisions for Non-looped Water Mains.

In recognition of the fact that looped water mains are sometimes unnecessary or impractical, the following applications are permitted:

- A) In cul-de-sacs or cases where a fire hydrant is required on the opposite side of a right-of-way from an existing water main, dead-end water mains supplied by a looped water main of equal or larger size may be extended up to two hundred fifty (250) feet for required six-inch water mains, and up to five hundred (500) feet for required eight-inch and larger water mains.
- B) Temporary dead-end lines may be permitted in those areas where there is no ability to loop lines within the criteria of the Land Development Code until adjoining properties are developed. Such dead-end lines shall only be allowed when served by mains of eight-inch diameter or greater, and where clearly designed to extend to adjoining properties in the future.

- C) Dead-end mains exceeding the length allowed in a) above may be allowed where the main is increased in size by at least two inches in diameter, and design pressures can still meet the requirements of the Land Development Code.

6) Pressure Requirements.

All system design and fire flow calculations shall maintain a 20 pounds per square inch residual pressure in the system, during maximum demand on the system. Calculations shall be based on the existing system flows and pressure at or near the proposed point of connection.

e) Fire Hydrants.

Fire hydrants shall not be installed on any water main of less than six inches (6") inside diameter. Number of hydrants and placement shall also be in compliance with NFPA1. ~~The last twenty (20) feet of a pipe lateral closest to and serving a single fire hydrant may be reduced to six inches to enable the control valve to be sized to six inches.~~

1) Placement and Spacing.

Except as provided herein, fire hydrants shall be installed at all street intersections and at intervals between street intersections not to exceed the distances listed in Table ~~160-1-159-1-159-1~~ "Minimum Main Size, Flow Rate, and Hydrant Spacing by Land Use." However, where there is an existing fire hydrant meeting the applicable sections of the Land Development Code located within one hundred (100) feet of and physically accessible to an intersection, an additional fire hydrant will not be required.

2) Sprinkler or Standpipe System.

Where a sprinkler or standpipe system is provided, a fire hydrant shall be located at least 50 feet away from the structure but not more than one hundred (100) feet away from the Fire Department's connection for the system.

3) On-site Hydrants.

When buildings, other than one- and two-family dwellings and farm buildings, are situated off of a road or other drive so as to cause hose lays from the nearest hydrant in excess of the permitted distances listed in Table ~~160-1-159-1-159-1~~, a sufficient number of hydrants shall be provided on-site meeting all the requirements of this Chapter.

4) Hose Lay Measurement.

Hose lay measurement shall be the distance from a hydrant, along a road, drive, or other traveled way designed to accommodate fire equipment, to

the attach location approved by the Fire Official. Hose lay is not allowed across any arterial road to meet the minimum requirements of this Section.

5) Access and Visibility.

Hydrants shall not be located closer than 3 feet or more than 30 feet from the edge of a street, drive, or other access way. No fence, tree, post, shrub, or other object which could block the hydrant from normal view, or obstruct the hydrant’s use shall be located within 4 feet of the hydrant. Unless otherwise requested by the Fire Official, the four-and-one-half inch (4½”) large volume connection shall face the nearest roadway. No hydrant shall be installed where pedestrian or vehicular traffic would interfere with the use of the hydrant.

6) Ownership and Maintenance.

All fire hydrants located on public rights-of-way or designed to serve multiple ownerships shall be conveyed by approved instrument to the City. Once the City has accepted ownership, the City shall be responsible for the maintenance of these hydrants. All hydrants not dedicated to the City shall be maintained as required by the City at the owner’s expense.

7) Design Standards.

All system designs will conform to recommended standards and accepted engineering practices.

TABLE 159-1 MINIMUM MAIN SIZE, FLOW RATE & HYDRANT SPACING BY LAND USE				
<i>Land Use</i>	Water Main Minimum		Fire Hydrant Maximum	
	<i>Size</i>	<i>GPM</i>	<i>Spacing</i>	<i>Hose Lay</i>
Detached Single Family & Duplexes	6”	750	750	375
Townhouses	8”	1000	500	250
Multi Family (>12 units)	8”	1000	500	250
Multi Family (<13 units)	8”	1200	500	250
Commercial Buildings (>10,000 s.f.)	8”	1200	500	250
Commercial Buildings* (<10,001 s.f.)	10”	1500	400	200
Warehouse/Industrial Buildings*	10”	1500	400	200
*Interior separations or fire walls shall not be used to reduce the minimum water supply requirements of this Section without the explicit written consent of the Fire Official.				

NOTE: This table is a guide for the development of new sites and subdivisions, and does not guarantee fire flow adequacy outside of one- and two-family dwelling subdivisions. In those portions of the City where the existing water mains cannot meet the above requirements, other building specific measures can be used to reduce fire flow.

SECTION 159.0340: WATER & SEWER SERVICE.

a) Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Availability – Availability of City water and sewer service shall be described and defined as follows:

Water: The owners of all property within the City abutting upon a public right of way or utility easement when a City waterline or a potable water distribution system has been constructed or exists, will be required to connect to said system.

Sewer: The owners of property both within the City and the unincorporated area of Lake County that are connected to the City potable water distribution system are required to connect to the City sewer system.

The sewer system must be within a right of way or utility easement abutting the owner's property. Existing single family residences are exempt from the mandatory connection requirement. New single family residential subdivisions that are approved for construction after the effective date of this Code and are within 1000 feet of a City sewer line or force main must connect to the sewer system.

Connection Charge means a charge paid to the City by a developer or consumer or customer as reimbursement to the City for the actual cost of furnishing and installing the meter and all other facilities at a water or wastewater service connection either at the time of initial installation or whenever a change in size or capacity is performed.

Customer means the individual or corporate entity responsible for payment of the security deposit and monthly service charges. This shall be either the owner of the property or an individual or corporate entity authorized by the owner to open the utility account.

Equivalent Residential Unit (ERU) means an average single family detached residence. This definition is intended to reflect the annual average consumption per unit for all detached single-family residences without regard to actual consumption.

Forced Connection shall mean a utility connection for an existing building or structure to the City of Fruitland Park water or wastewater utility system, or both, that is mandated by law or by an order of the Lake County Commission, the Florida Department of Environmental Protection, the Florida Department of Health and Rehabilitative Services, the St. Johns River Water Management District, or any other federal, state, or local agency. "*Forced Connection*" shall also include any utility connection to the City of Fruitland Park water or wastewater utility system that occurs as a result of the City's acquisition of an existing private utility company.
(Amended by Ord. 95-46)

Capital Charge means a charge assessed by the City to defray the proportionate share of the capital improvement expense necessitated to provide capacity for a new wastewater or water connection.

b). Policy and Intent.

The City owns, operates, and maintains water treatment and distribution and wastewater collection, treatment and disposal systems, which serve residents within the service area of the City. New development will require the extension of mains to provide service, as well as modification or expansion of facilities or plants to accommodate new development. The costs of providing extensions, modifications, and expansions of facilities are to be borne by property owners, builders or developers within the City's service areas to defray or partially defray the costs of these extensions, modifications, and expansions. The allocable share of each is to be charged as described herein. It is the declared policy of the City by this chapter to establish a uniform method of determining charges for availability of services so that all such contributions shall be nondiscriminatory among the various consumers served by the City's systems and shall be applied as nearly as possible with uniformity to all consumers and prospective consumers within the City's service areas. The City specifically reserves its rights to fix and determine rates, charges and contributions required for the provision, consumption, operation, maintenance, extension, and expansion of its utility services as provided herein and as authorized by law. Each consumer is hereby notified that the City, in the exercise of its governmental responsibility to provide for health, safety, and welfare of all consumers of its utility services, has the authority and responsibility to amend its schedule of rates, charges, and contributions from time to time to ensure the perpetuation of service.

c). Power to Expand Utilities Outside Jurisdiction

The City Commission shall have the power to expand and enlarge the water and wastewater system beyond the limits of the city.

As a prerequisite to providing water or wastewater utility service to property outside the City limits, the City shall require the property owner to execute an irrevocable, recordable covenant agreeing to the voluntary annexation of the property into the City at such time as the property becomes contiguous to the City.

d). Utility Service

The customer seeking water or wastewater service from the City shall be required to obtain consent from the City at time of Building Permit issuance. Those customers seeking water and/or sewer service that are not within the Corporate limits of the City are subject to the approval of the City Commission.

Service outside the city limits may be provided to property located outside the city subject to the owner executing an agreement to annex the property whenever annexation is permitted by law. The agreement shall be recorded in the public records and shall constitute an application to annex the property. However, properties inside the city shall have the first priority. All applications for service

outside the city shall be reviewed by the city manager or designee, who shall approve such service only if an adequate supply of water and/or sewer capacity is available to meet the needs in the city. The city manager or designee shall review and technically approve all service line sizes and all other necessary design components. (Ordinance 2019-013)

e). Tampering ~~With~~with Property of City Water or Wastewater Collection Systems

No person, unless authorized by the City, has the right to turn off or turn on water at the curb stop, corporation stop, T tee, or valve, or to in any way disconnect or remove any water meter or otherwise molest any water connection, meter or water main belonging to the City.

If any person shall destroy, deface, impair, injure or wantonly force open any gate or door therein or in any way whatsoever destroy, injure, deface or wantonly destroy any part of the buildings, or the appurtenances, fences, or fixtures thereunto pertaining, or any water pipes, gates, reservoirs, hydrants, fountains, standpipes, pumps, tanks or any fixtures or other property belonging to the water or wastewater collection system of the City, or if any person shall without authority from the City remove, open, hitch to, dig out or curb over any fireplug or hydrant, stopcock, valve, valve box or other fixtures belonging to the water or wastewater collection system of the City, he shall be punished in accordance with provisions of Section 50.99.

It shall be unlawful for any person to tamper with, or adjust, connect, disconnect, join or sever any water meters or water lines and it shall be unlawful for any person to divert the flow of water through the water system of the City in any manner whatsoever without the approval and written permission of the City.

No consumer shall furnish water to any other consumer either by use of pipes or fixtures on his own premises or by extending pipes to the premises of other persons.

SECTION 159.03545: Wastewater Collection

a). Definitions

Unless specifically defined below, words or phrases used in this ~~article~~ chapter shall be interpreted to give this article its most reasonable application, consistent with state and federal law and other local regulations. The following words and phrases shall have the following meanings, unless the context requires otherwise:

Act – means the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act, as amended, Title 33 USC, Section 1251 et.seq.

Approval authority – means the director in an NPDES state with an approved state pretreatment program and the administrator of the USEPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

Authorized representative of industrial user means and may be:

A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or

A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BOD (denoting biochemical oxygen demand)- means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) centigrade, expressed in milligrams per liter. The BOD shall be determined in accordance with procedures set forth in standard methods.

Building drain – means that part of the lowest horizontal piping of a sewerage or drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to a point five feet (5') outside the outer surface of the building wall to the building sewer.

Building sewer – means the extension from the building drain to the public sewer or other place of disposal, beginning five feet (5') outside the outer face of the building wall.

Categorical standards – means the national categorical pretreatment standards or pretreatment standard.

City wastewater system or system - means all facilities and interests in the real and personal property owned, operated, managed or controlled by the City now and in the future and used to provide wastewater service to existing and future customers within the service area of the City.

Control authority - means and refers to the approval authority as defined above, or the utilities director if the City has an approved pretreatment program under the provisions of title 40 CFR, Section 403.11.

Cooling water - means the water discharged from any use, such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

Customer - means the individual or corporate entity responsible for payment of the security deposit, monthly service charges, connection charges, capital charges, etc. This shall be either the owner of the property or an individual or corporate entity authorized by the owner to open the utility account.

Direct discharge - means the discharge of untreated or treated wastewater directly to the waters of the state.

Director - means the City Utilities Director, or his authorized deputy, agent, or representative.

Dissolved solids or dissolved matters - means the solid matter in solution in the wastewater and shall be obtained by evaporation of a sample from which all suspended matter has been removed by filtration as determined by the procedures

in standard methods.

Domestic sewage - means the sewage produced from noncommercial or non-industrial activities, and which result from normal human living processes, which are of substantially similar origin and strength to those typically produced in households, including sewage from sanitary conveniences.

Garbage - means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Grab sample - means a sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste - means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Incompatible pollutant - means all pollutants other than compatible pollutants. Specifically, it means any pollutant other than BOD, suspended solids, pH, and fecal coliform bacteria or additional pollutants identified in the NPDES permit or state permit to discharge, which the sewage treatment plant and facilities were not designed to treat and do not remove to a substantial degree.

Indirect discharge - means the discharge or the introduction of pollutants from any source regulated under Section 307(b) or Section 307(c) of the Act into the City wastewater system.

Industrial sewage - means all liquid wastes and sewage, excluding domestic wastewater, and includes all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operations from which the wastewater discharged includes wastes of non-human origin, and is not otherwise classified as domestic sewage.

Industrial user - means a source of indirect discharge of industrial sewage which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act.

Interference - means the inhibition or disruption of the POTW treatment processes or operations which is the cause of and significantly contributes to a violation of any requirement of the City's NPDES permits.

The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 05 of the act or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act , the Toxic Substances Control Act , or more stringent state or local criteria (including those contained in any state Sludge Management Plan prepared pursuant to Title IV of the SWDA) applicable to the method of disposal or use employed by the POTW.

Mass emission rate - means the weight of material discharged by the City wastewater system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or

combination of constituents.

Maximum concentration - means the maximum permissible amount of a specified pollutant in a volume of water or wastewater.

National categorical pretreatment standard or pretreatment standard - means any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Section 307(b) and Section 307(c) of the Act which applies to a specific category of industrial users.

National Pollution Discharge Elimination System Permit or NPDES permit - means a permit issued pursuant to Section 402 of the Act.

National prohibition discharge standard or prohibited discharge standard - means any regulation developed under the authority of Section 307(b) of the Act and Title 40 CFR, Section 403.5.

Natural outlet - means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

New source - means any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (Title 33 USC, Section 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated in accordance with Section 306(a)(2) Title 33 USC, Section 1316(a)(2).

Overload - means the imposition of any constituent or hydraulic loading on any treatment, collection, transmission or effluent disposal facilities which are a part of the City wastewater system in excess of such facility's designed or legally authorized capacity.

Pass through - means the discharge of pollutants through the POTW or any other portion of the City wastewater system into waters of the State or Nation in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of any NPDES permit or DEP permit issued for and applicable to the City wastewater system, including an increase in the magnitude or duration of a violation of any contract, resolution, law, rule, regulation, permit, or approval applicable to the industrial, commercial, or agricultural reuse of reclaimed water.

pH - means a symbol for expressing the degree of acidity or alkalinity, meaning the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

Pollutant - means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste.

Pollution - means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

POTW treatment plant - means that portion of a POTW designed to provide

treatment to wastewater. (See definition of publicly owned treatment works.)

Pretreatment - means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or by other means, except as prohibited by Title 40 CFR, Section 403.6(d).

Pretreatment requirements - means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

Private sewage disposal system - means a sewage collecting, treating, and disposal facility installed, maintained and owned by persons other than the City and not connected to the public sewer.

Properly shredded garbage - means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension. The installation and operation of any garbage grinder equipped with a motor three-fourths horsepower or greater shall be subject to the review and approval of the City.

Public sewer - means a sanitary sewer, other than a building sewer, that is owned and/or controlled by the City.

Publicly owned treatment works (POTW) - means a treatment works as defined by Section 212 of the Act which is owned in this instance by the City. This definition includes any sewers, effluent transmission and disposal facilities, that convey wastewater to a POTW treatment plant or convey effluent from a POTW treatment plant, but does not include pipes, sewer or other conveyances not connected to a facility providing treatment. For purposes of this article, POTW shall also include any sewers that convey sewage or wastewaters to the POTW from persons who are, by contract or agreement with the City, users of the City's various POTWs.

Reclaimed water - means water or treated wastewater which, as a result of treatment of wastes, is suitable for direct beneficial uses or a controlled use by public, agricultural, commercial, residential, industrial, or institutional projects or development that would not occur otherwise.

Sewage or wastewater - means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments together with such ground, surface and stormwaters as may be present.

Sewage treatment plant - means an arrangement of devices and structures used for treating sewage or wastewater.

Sewer - means a pipe or conduit for carrying sewage or wastewater.

Significant industrial user - means any industrial user of the City wastewater system who:

Has a discharge flow of ten thousand gallons (10,000) or more per day during any day during any calendar year; or

Discharges one (1) or more of the federally defined "priority pollutants"; or

Has in its wastes, toxic pollutants as defined pursuant to Section 307 of the Act ; or any applicable State or Federal rules; or

Is found by the City, the State Department of Environmental Protection (FDEP) or the USEPA to have significant impact, either singly *or* in combination with other contributing industries, on the system, the quality of sludge, the County-wide system's effluent quality, *or* air emissions generated by the City wastewater system.

Slug - means any discharge of water, sewage *or* industrial waste which in concentration of any given constituent or in quality of flow exceeds more than five (5) times the average twenty-four hour (24) concentration or quality of flow during normal operation.

Standard Industrial Classification (SIC) - means a classification pursuant to the standard industrial classification manual issued by Executive Office of the President, Office of Management and Budget, 1972.

Standard methods - means the current edition of Standard Methods for the Examination of Water and Wastewater, as published or republished from time to time by the American Public Health Association.

Storm drainage (sometimes termed storm sewer) - means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Stormwater - means any flow occurring during or following any form of natural precipitation resulting therefrom.

Suspended solids - means solids that either floats on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by various filtering and settling techniques.

Toxic pollutant - means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the USEPA under the provision of Section 305(a) of the Act , or other Acts .

Twenty-four-hour flow proportional composite sample - means a sample consisting of several effluent portions collected during a twenty-four hour (24) period in which the portions of sample are proportionate to the flow and combined to form a representative sample.

Unpolluted water - means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to any person having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters of the State.

User - means any person who contributes, causes, or permits the contribution of

sewage or other wastes to the City wastewater system or is physically connected to the City wastewater system.

Wastewater constituents and characteristics - means the individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate, and such other parameters that serve to define, classify or measure the contents, quality, quantity, and strength of wastewater.

Watercourse - means a channel in which a flow of water occurs, either continuously or intermittently.

Waters of the State - means any surface or ground water located within the boundaries of the State.

b). Purpose and Policy.

This Section is enacted pursuant to all general and special law authority of the City, including its home rule powers, for the purpose of providing for the necessary regulations for the use of public and private sewers and drains in the interest of the public health, safety and welfare of the citizens and residents of the City.

This Section sets forth uniform requirements for direct and indirect contributors into the City wastewater system and enables the City to comply with all applicable State and Federal laws and requirements set forth by the Clean Water Act of 1977, as amended, and the United States Environmental Protection Agency (USEPA) General Pretreatment Regulations, Title 40 CFR, Par. 403.

The objectives of this Section are:

To prevent the introduction of pollutants into the City wastewater system which will interfere with the operation of the system or contaminate resulting sludge;

To prevent the introduction of pollutants into the City wastewater system which will pass through the system, inadequately treated, into receiving surface or ground waters, land application and other reuse systems, or the atmosphere, or otherwise be incompatible with the system;

To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

To provide for equitable distribution of the cost of the system.

This Section provides for the regulation of direct and indirect contributors to the City wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, requires user reporting, and provides authority and guidelines for setting fees.

Except as otherwise provided herein, the Utilities Director shall administer, implement, and enforce the provisions of this Section.

c). Discharge Limitations

Generally.- This Section establishes limitations and prohibitions on the quantity and quality of sewage or wastewater which may be lawfully discharged into the City wastewater system or any of its publicly-owned treatment works. Pretreatment of some sewage discharge may be required to achieve the goals established by this Section and the Act-. The specific limitations set forth herein, and other prohibitions and limitations of this Section, are subject to change as necessary to enable the City to provide efficient wastewater treatment, to protect the public health and the environment, and to enable the City to meet requirements contained in its various NPDES permits, and other governmental permits.

d). Discharge into Sanitary Sewers.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, swimming pool drainage, or unpolluted industrial process waters into any sanitary sewer.

e). Discharges into Natural Outlets.

No person shall discharge into any natural outlet within the City, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Section.

f). Discharges into Storm Sewers.

No person shall discharge into any storm sewer system within the City, any sanitary sewage, industrial wastes, or other polluted waters (except uncontaminated cooling waters).

g). Privies, Septic Tanks, Cesspools, etc., Generally Prohibited.

No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage or wastewater, except as herein provided.

h). Permit for Connections.

No person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

i). General Discharge Prohibitions.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or sewage which will interfere with the operation or performance of the City wastewater system or any of its POTW. The general prohibitions apply to all such users of the City wastewater system or any POTW which is a part of that

system, whether or not the user is subject to the national categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

j). Discharges Specifically Prohibited.

A user shall not contribute the following substances into any public sewer:

Any liquids, solids or gases which, by reason of their nature or quality are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the City wastewater system or to the operation of such system. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into such system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, fuel oil, naphtha, benzene, toluene, xylene, ethers, alcohols, solvents, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, ~~mercury or other heavy metals, mercury or other heavy metals~~, and any other substances which the City, the FDEP, the USEPA, or any other local, Regional, State, or Federal agency having jurisdiction has notified the user as a fire hazard or a hazard to the system, and any other flammable or explosive liquids, solids, or gases.

Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, metal glass, straw, shavings, grass clippings, rags, ~~baby wipes or other non-woven textile wipes, baby wipes or other non-woven textile wipes~~, spent grains, spent hops, waste paper, ground paper products, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

Any sewage having a pH lower than six (6.0) or higher than eight and five-tenths (8.5), unless the individual POTW is specifically designated to accommodate such sewage or wastewater, or sewage having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the City wastewater system.

Any sewage or wastewater containing toxic pollutants in sufficient quantity, either singularly or by interaction with other pollutants, to injury or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of any City POTW, or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

Any noxious or malodorous liquids, gases or solids which, either singularly or by interactions with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and

repair.

Any substances which may cause any City POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to any City POTW cause the POTW to be in noncompliance with sludge user or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

Any substance which will cause any City POTW to violate its NPDES and/or FDEP permit or the receiving water quality standards.

Any sewage or wastewater with objectionable color, not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

k). Restricted Discharges Enumerated.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Utilities Director, that such wastes can harm either the sewers, wastewater treatment process or equipment, have an adverse effect on the receiving stream or other effluent disposal facilities or systems, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Utilities Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

Any sewage or wastewater having a temperature which will inhibit biological activity in any City POTW treatment plant resulting in the interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds one hundred degrees (100°) Fahrenheit, unless the POTW treatment plant is designed to accommodate such temperature.

Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred milligrams per liter (100mg/l) or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and one hundred degrees (100°) Fahrenheit.

Any garbage that has not been properly shredded.

Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

Any waters or wastes containing phenols or other taste or odored ash-producing substances, in such concentrations exceeding limits which may be established by the Utilities Director, as necessary, after treatment of the composite sewage, to

meet the requirements of the State, Federal or other public agencies or jurisdiction for such discharge to the waters of the State or Nation.

Any radioactive wastes or isotopes.

Any pollutants, including oxygen demand pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to any City POTW. In no case shall a slug load be discharged to the City's wastewater system.

Waters or wastes containing substances, including non-biodegradable detergents, which are not amendable to treatment or reduction by the sewage treatment processes employed or are amendable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirement of other agencies having jurisdiction over discharge to the waters of the State or Nation or violates any contract, resolution, law, rule, regulation, permit, or approval applicable to the industrial, commercial, or agricultural reuse of reclaimed water.

Any concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) above 60 mg/L. or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

When the Utilities Director determines that a user is contributing to any portion of the City wastewater system, any of the above-enumerated substances in such amounts as to cause a pass through, cause a violation of any applicable permit or contract, or otherwise interfere with the operation of the system, the Utilities Director shall:

- Advise the user of the impact of the contribution on the POTW; and
- Develop effluent limitations for such user to correct the interference with the POTW.

I). Maximum Concentrations.

No person shall discharge sewage or wastewater in excess of the concentration set forth in Table 1 below unless an exception has been granted the user under the provisions of Section 159.03545(k).

Table 1

(Edited to match concentrations in agreement with Lady Lake Restated (WWTP Capacity Reservation Bulk Treatment with Lady Lake)

Parameters	Maximum Concentration Mg/l (24-hour flow proportional composite sample)	Maximum Instantaneous Concentration Mg/l (grab sample)
Biochemical Oxygen Demand	30 50	--
Total suspended solids	35 40	--
<u>Antimony (Sb)</u>	<u>1.0</u>	<u>2.0</u>
Arsenic (AS)	1.0	2.0

<u>Beryllium (Be)</u>	<u>10.0</u>	<u>20.0</u>
Boron (B)	1.0	2.0
Cadmium (Cd)	1.0 <u>0.70</u>	2.0 <u>1.40</u>
Chromium - Total(Cr)	1.0	2.0
Chromium – Hexavalent (Cr + 6)	0.5	0.10
<u>Cobalt (Co)</u>	<u>0.30</u>	<u>0.60</u>
Copper (Cu)	2.0	4.0
Cyanide (CN)	0.1	0.2
Lead (Pb)	0.05	0.1
Mercury (hg)	0.0050	0.010
Nickel (N)	0.2	0.4
Phenol	0.5	1.0
Selenium	1.0 <u>0.5</u>	2 <u>1.0</u>
Silver (Ag)	1.0 <u>0.5</u>	2 <u>1.0</u>
<u>Tin (Sn)</u>	<u>5.0</u>	<u>10.0</u>
Zinc (Zn)	5.0	10.0
Oil & grease (petroleum &/or mineral	100 <u>50.0</u>	200 <u>100.0</u>
Total nitrogen	50.0	100.0
Total phosphorus	10.0	--
Total dissolved solids	2,500.00	10,000.00
Fluoride	8.0	16.0
<u>Iodine (I)</u>	<u>10.0</u>	<u>20.0</u>
<u>Benzene Compounds</u>	<u>5.0</u>	<u>10.0</u>
<u>Carbon Tetrachloride</u>	<u>10.0</u>	<u>20.0</u>
<u>Chloroethane Compounds</u>	<u>10.0</u>	<u>20.0</u>
<u>Chloroethene Compounds</u>	<u>5.0</u>	<u>10.0</u>
<u>Chloroform</u>	<u>10.0</u>	<u>20.0</u>
<u>Pentachlorophenol</u>	<u>10.0</u>	<u>20.0</u>

m). Application to Industrial Users

Certain industrial users shall become subject to national categorical pretreatment standards promulgated by the USEPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into a City POTW. All industrial users subject to a ~~national pretreatment standards~~national pretreatment standard shall comply with all requirements of such standard, and shall also comply with any additional or more stringent limitations contained in this article. Compliance with national pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three (3) years following promulgation of the standards unless a shorter compliance time is specified in the standard. Compliance with national pretreatment standards for new sources shall be required upon promulgation of the standard. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of the process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

n). Application of State Requirements, Limitations

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations, or those contained in this Section. The City reserves the right to establish by ordinance more stringent limitations or requirements from dischargers to the City wastewater system if deemed necessary to comply with the objectives stated at the beginning of this Section.

o). Dangerous Discharge Prevention, Notification Requirements

Plan for accidental discharges. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing industrial users or industrial users that connect within two-hundred-seventy (270) days from the effective date of the ordinance from which this Section was derived shall complete such a plan within sixty (60) days from connecting to the system. No industrial user who commences contribution to any City POTW or any portion of the City wastewater system at least two-hundred-seventy (270) days after the effective date of this article shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to maintain the industrial user's facility as necessary to meet the requirements of this article.

Telephone notification. Any person caught or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, or which is likely to cause interference with any City POTW or the City wastewater system as a whole, shall notify the Utilities Director immediately by telephone.

Written Report. Within five (5) days following such occurrence, the user shall provide the Utilities Director with a detailed written report describing the cause of the dangerous discharge and measures taken or to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred.

SECTION 159.0450: Private Systems and Connections

a). Toilet Facilities and Connection to Public System (Waterworks & Sewer System) Required After Notice

The owners of all the property in the City abutting upon a public right-of-way or utility easement and upon which is situated a house, building or other structure used for human occupancy, employment, recreation, commercial enterprise, public purposes, community activities, houses of worship, or other related purposes is hereby required at their own expense to install suitable toilet facilities therein and to connect such facilities directly with such systems in accordance with the provisions of this Section within one-hundred-eighty (180) days after the date of official notice to do so. Those residential properties consisting of single family homes existing at the time of the adoption of this ordinance shall be exempt from the mandatory sewer connection requirement.

b). When Connection ~~With~~with Private System Authorized and Required.

Where the City wastewater system public sanitary sewer is not available under the provisions of Section 159.040(a), the building sewer may be connected to a private sewage disposal system complying with the provisions of this Article. The City may, ~~at its own expense,~~ extend the existing wastewater system to provide service to any owner requesting to use a private sewage disposal system and require that owner to connect to the City's wastewater system pursuant to the Section above.

c). Approval of Private System

Before commencement of construction, reconstruction, enlargement, modification or improvement of a private sewage disposal system, the owner shall first obtain written approval from the City. The application for such approval shall be made in a form acceptable to the City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary.

d). Completion and Acceptance of Private System

Connection to a private sewage disposal system shall not be placed in service until the installation is completed and accepted by the City. The City shall be allowed to inspect the work at any stage of construction and in any event, the applicant shall notify the City when the work is ready for final inspection and before any underground portions are covered. ~~The inspection shall be made within forty-eight (48) hours (excluding Saturdays, Sundays, and holidays) of the receipt of notice.~~

e). Specification of Private Systems; Discharges prohibited; sanitary operation.

The type, capacities, location and layout of a private sewage disposal system shall comply with all Federal, State, and County regulations. No septic tank or cesspool shall be permitted to discharge to any storm sewer, open drain, ditch, stream, well penetrating water-bearing formations, nor natural outlet. Private ownership of a sewage disposal system shall be retained by the applicant and the facilities shall be operated and maintained by the property owner in a sanitary manner at all times, at no expense to the City.

f). Direct Connection with Public System When Available, Abandonment of Private System

At such time as the City wastewater system becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the City wastewater system and any septic tanks, cesspools and similar private sewage disposal facilities shall be removed or abandoned as required by Code.

g). Classes of Building Sewer Connections; Applications.

There shall be three (3) classes of building sewer connections: residential service, commercial service, and service to establishments producing industrial wastes. In either case, the owner or his agent shall make application in a form acceptable to the City. The application shall be supplemented by any plans, specifications or other information considered pertinent.

h). Cost and Expense and Indemnification Incident to Building Sewer Connection; Supervision and Approval. Moreover, the owner shall grant any easements to the City deemed necessary by the City for the provision of sewer service to the owner's

~~property. Moreover, the owner shall grant any easements to the City deemed necessary by the City for the provision of sewer service to the owner's property.~~

All cost and expense incident to the connection of the building sewer from the owner's building to the City sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the connection of the building sewer. The physical connection of the building sewer at and directly into the public sewer shall be made under the direct supervision of an authorized representative of the City. No building shall be approved for use and/or occupancy until the connection fee is paid and the connection is inspected and approved.

i). Compliance of Sewer Construction ~~With~~with Regulations.

All sewer construction shall comply with the City construction specifications, plumbing code, and other applicable specifications and engineering criteria.

j). Low Pressure Wastewater Collection System

Statement of Policy. The City of Fruitland Park has adopted low-pressure sewer system technology as a means of collecting wastewater in the City's utility service area. This technology employs the use of small grinder pump stations located at each point of wastewater generation. These pump stations transfer the wastewater from the point of generation through a series of small diameter force mains to the City's collection and transmission system.

Buildings and facilities that are to be connected to the City's wastewater collection and treatment system will be connected through the use of the City's standard wastewater grinder pump station when specified by the City.

Easement. By applying for wastewater collection and treatment services or via mandatory connection, the customer is agreeing to provide a general easement to allow the City access to the property for the purposes of maintaining and operating the wastewater pump station and force main. Should the customer want a surveyed easement, the customer must retain a surveyor to provide the specific description for inclusion in an easement to be recorded. The customer will pay all costs of completing and recording the site-specific easement.

Electrical Power. Electrical power shall be provided by the facility being served. The customer, through their electric utility bill, will pay the power cost necessary to operate the pump station. The customer shall provide a circuit of sufficient capacity to a point on the structure reasonably near the proposed pump station location. This point, as a minimum, must be within 15 feet of the pump station.

Maintenance. The City will maintain and operate the pump stations and force mains. The customer shall maintain the gravity sewer connecting the property to the pump station. City staff will be available on a twenty-four hour basis to maintain and repair the pump stations. The cost of the first visit to the customer's property by City personnel responding to a customer's call regarding an apparent problem with the pump station or force main will be absorbed by the City. The customer will pay for the cost of additional visits to the site by City personnel where there is no failure of the City's equipment. The City will establish a fixed fee to be assessed for each additional trip. This fee may be adjusted by the City from time to time to reflect the

actual cost of providing the service. The customer will be responsible for all costs of service caused by negligence or abuse, including damage due to trenching, digging, landscaping or prohibited items.

Maintenance. The City will maintain and operate the pump stations and force mains. The customer shall maintain and operation the gravity sewer connecting the property to the pump station. City staff will be available on a twenty four hour basis to maintain and repair the pump stations. The cost of the first visit to the customer's property by City personnel responding to a customer's call regarding an apparent problem with the pump station or force main will be absorbed by the City. The customer will pay for the cost of additional visits to the site by City personnel where there is no failure of the City's equipment. The City will establish a fixed fee to be assessed for each additional trip. This fee may be adjusted by the City from time to time to reflect the actual cost of providing the service. The customer will be responsible for all costs of service caused by negligence or abuse, including damage due to trenching, digging, landscaping or prohibited items.

Pump Station Manufacturers. The City will standardize on a single pump station type manufacturer. This standardization will provide economies to the City and its customers with regard to the maintenance of parts inventories and staff familiarity with the units. The pumping systems will be UL approved as complete units and not as individual parts.

As technology changes, the City, in its sole discretion, will evaluate and approve or reject the use of any other pumping system that will be permitted to be installed in the City's wastewater collection system.

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As technology changes, the City, in its sole discretion, will evaluate and approve or reject the use of any other pumping system that will be permitted to be installed in the City's wastewater collection system.

Customer Responsibilities. The customer shall provide electrical power for the pump station. The customer shall prevent the introduction of materials to the pump station which would damage the pumping system. Prohibited materials include, but are not limited to, baby wipes and non-woven textiles, metal objects, plastic materials, sand, clothing, grease, solvents, and coatings. The customer shall prevent damage to the pumps station lid, controls, vents, and other physical part of the system located on the premises.

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k). Termination Point of City Ownership and Maintenance Responsibility

Responsibility of the City for ownership, maintenance, operation, service and/or repairs of the building sewer from the public sewer shall terminate at the upstream side of the low pressure pumping unit located at the facility which it serves. In the case of a gravity connection, the City's responsibility shall terminate at the street right of way or easement boundary adjacent to the facility served.

l). Interceptors

Grease, oil and sand interceptors or traps shall be provided at the owner's expense when in the opinion of the Utilities Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection. When installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

m). Rejection of Required Remedial Measures for Certain Wastes

If any sewage, waters, or wastes are discharged, or are proposed to be discharged to the City wastewater system, which contain the substances or possess the characteristics enumerated in Section 159.045(k) et seq, and which, in the judgement of the Utilities Director, may have a deleterious effect upon the City wastewater system, processes, equipment, receiving waters or effluent disposal systems, or which otherwise create a hazard to life or constitute a public nuisance, the Utilities Director may:

Reject the wastes;

Require pretreatment to an acceptable condition for discharge to the City wastewater system;

Require control over the quantities and rates of discharges;

Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the Utilities Director permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Utilities Director, and subject to the requirements of the applicable codes, ordinances, and laws. Any such approved design shall, in addition to all other requirements, provide for an access point to allow for the sampling of wastewater discharge from the user. Where preliminary treatment or flow-equalizing facilities are provided for any sewage, waters, or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner or user at his expense.

n). Responsibility for Operation and Maintenance of Building Sewer

The owner of the property served by the wastewater system shall be responsible for the proper operation and maintenance of the building sewer; ~~specifically~~ specifically,

all plumbing from the wastewater system into and including the house plumbing. The City shall have the right to inspect the building sewer and to cause discontinuance of water and/or sewer service to any property where the plumbing is not maintained in a sanitary and effective operation condition or if the public sewer facilities may be harmed thereby.

o). Responsibility of Ownership, Operation and Maintenance of Wastewater System

The City shall be responsible for the ownership, operation and maintenance of the City wastewater system and for providing service to receive the approved wastewater discharge from the building sewers. The City wastewater system is herein defined as the low pressure pump unit and force main connection that is located at individual facilities served by the system. This does not include the electric meter or the electric cost incurred to operate the low pressure pumping unit. In the case of a gravity connection, the City's responsibility will terminate at the service connection point to the collection main.

p). Entry of City Employees Upon Easements.

Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, gauging, measurement, sampling, repair and maintenance or any portion of the sewage works lying within the easement. All entry and subsequent work, if any, within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

q). Minimum Service Requirements.

All development shall provide new facilities to provide minimum service as follows:

- 1) The use of on-site disposal systems (septic tanks) shall be permitted when projects are not required to connect to the City wastewater system or when said system is deemed to be not available;

On-site disposal systems (septic tanks), where allowed shall be permitted by Chapter 65E-6 F.A.C. through the Lake County Environmental Health Department.

- 2) Where on-site central sewer facilities are allowed for subdivisions or other projects, construction of sanitary sewer necessary to provide adequate service to each lot, parcel, or building site created shall be required. The minimum diameter for sanitary gravity sewer mains shall be eight inches (8") inside diameter. Minimum sewer main slopes for both design and construction shall be:

8-inch pipe—0.40%
10-inch pipe—0.30%
12-inch pipe—0.22%

An individual four-inch (4") minimum sewer service lateral shall be supplied for each single family, duplex, or townhouse unit. Service for

commercial and industrial lots shall be sized based on the anticipated highest sewer demand of allowed land uses, but in no case less than six inches in diameter. All services shall be installed at an adequate depth so as to serve the entire buildable area of the subject lot, allowing for minimum slopes specified in the Standard Construction Details and the Land Development Code.

- 3) Site development plans shall show construction of sanitary sewers extending to the site and on site, as necessary to provide adequate sewer service for the proposed buildings and uses. The minimum diameter for sanitary gravity sewer mains shall be 8 inches (8") inside diameter. Minimum sewer main slopes shall be:

8-inch pipe—0.40%
10-inch pipe—0.30%
12-inch pipe—0.22%

An individual four-inch (4") minimum sewer service lateral shall be supplied for each single family, duplex, or townhouse unit. Services for multifamily buildings shall be six ~~inches~~ (6") for up to eight units and eight-inch for nine or more units. Services for commercial and industrial buildings shall be sized based on the anticipated highest sewer demand of allowed land uses, but in no case less than six inches (6") in diameter, and shall include grease traps for pre-treatment systems as required by the Land Development Code, and the Standard Construction Details. All services shall be installed at an adequate depth so as to serve the planned building sites.

- 4) All system designs will conform to recommended standards and accepted engineering practices.

SECTION 159.0560 Capacity

- a). Findings and Intent.

The City Commission finds that it is both reasonable and necessary to expand the City's wastewater treatment system by constructing a new plant, effluent disposal system, and wastewater collections mains, as required by new growth of the City. The City has determined that the new growth should pay the cost of the wastewater system expansion, and has further determined that wastewater capacity should be sold to future development to defray wastewater expansion costs.

- b). Establishment of Wastewater Service Area

The City Commission hereby establishes the City wastewater service area as being that area described in Section ~~159.020(b)~~ 50.04 of City Code of Ordinances.

- c). Wastewater Capital Charges

Wastewater permits may be issued after acceptance by the City of a complete application and upon payment of all sewer capital charges applicable at the time of issuance of such permit, in accordance with this Section. Payment of wastewater capital charges shall be by cash or certified check drawn on a solvent bank. Upon issuance of a wastewater permit, all fees and charges paid pursuant hereto shall be non-refundable except as provided herein. The permits for which all fees and charges are paid as provided herein shall run with the land for which the permit is issued. Notwithstanding the above, the City Commission may by resolution defer the immediate payment of wastewater capital charges for purchases of future wastewater capacity by authorizing the receipt of irrevocable letters of credit in lieu of such payment. The City Commission may include and impose such provisions, terms, and conditions upon the receipt of such letters of credit as it deems reasonable and necessary.

d). Wastewater Permit Application

The City may require all information in the application for a permit required by this Section that it deems reasonable and necessary, and may reject applications it determines are incomplete. Any application for a wastewater permit shall contain the legal description of the land constituting the service area for which a wastewater permit is to be issued. The legal description shall include only those lands owned by the applicant for which the wastewater permit is to serve. The application shall be signed by the owner of the lands to be served.

SECTION 159.060 (+) Oil and Grease Management Program

a) Purpose and Intent.

The purpose of this Section 159.060(+) is to provide for an Oil and Grease Management Program and for its implementation and which shall be referred to as the "City Oil and Grease Management Program". The objective of the City Oil and Grease Management Program is to minimize the introduction of fat-soluble wastes to the City wastewater collection and treatment system (a/k/a ~~the~~ collection system) and to provide enforcement procedures and cost recovery charges from users receiving and treating abnormally high-strength compatible wastes.

b) Grease, Oil, and sand interceptors or traps.

Grease, oil and sand interceptors or traps shall be provided at the owner's expense when in the opinion of the Utilities Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection. When installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

c) Maintenance.

1. The owner shall perform all cleaning and maintenance of the interceptor. Cleaning shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids.

2. Oil and grease interceptors shall be pumped out completely at a minimum frequency of once per week, or more often as necessary to prevent pass through of grease and other food solids to the collection system. Cleaning and maintenance shall include removal of materials from the tank walls, baffles, cross pipes, inlets and outlets.

3. Pumping frequency shall be determined by the City based on flows, quantity of oil and grease in the discharge, volume of business, hours of operation and seasonal variations. In no case shall the pumping frequency exceed 90 days. The owner shall be responsible for maintaining the oil and grease interceptor in such a condition for efficient operation. An interceptor shall be considered to be out of compliance if the grease layer on top exceeds six (6) inches and the solids layer on the bottom exceeds twelve (12) inches or if removal efficiencies as determined through sampling and analysis indicate less than eighty (80%) percent.

4. Waste removed from each oil and grease interceptor shall be disposed at a permitted facility to receive such wastes or a location designated by the City for such purposes, in accordance with the provisions of this Chapter. In no way shall the pumpage be returned to any private or public portion of the collection system or the treatment plants.

5. Additives placed into the oil and grease interceptor on a constant, regular or scheduled basis shall be reported to the City in writing at least five (5) days prior to use. Such additives shall include, but not be limited to, emulsifiers, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate grease and oils. The City, prior to introduction into the interceptor shall approve any use of additives in writing. The use of additives in no way shall be considered as a substitution to the maintenance procedures required herein.

6. Flushing the oil and grease interceptor with water having a temperature in excess of 140 degrees F shall be strictly prohibited.

7. All maintenance of oil and grease management devices, including proper disposal, shall be performed by the user at the user's sole expense.

8. The owner shall be solely responsible for maintaining a log of pumping activities. If requested by City, the owner shall provide the log for City's inspection.

d) Enforcement.

1. A Notice of Violation shall be issued to a user for failure to:

A) Install an interceptor when requested by City pursuant to the terms of this section 159.0650(4).

B) Properly maintain (clean-out or pump) the interceptor;

C) Maintain a log of pumping activities.

2. The City may serve any user a written notice stating the nature of violation. The user shall have seventy-two (72) hours to complete corrective action and submit evidence of compliance to the City.

3. If a user violates or continues to violate the provisions set forth in this section or fails to initiate/complete corrective action within the specified time period in response to a Notice of Violation, then the City may pursue one or more of the following options:

A) Obtain and install an oil and grease interceptor or trap at the property and charge all amounts associated with such purchase and installation on the owner's monthly water bill;

B) Pump the oil and grease interceptor or oil/water separator and place the appropriate charge on the user's monthly water bill;

C) Impose an administrative penalty;

D) Assess a reasonable fee for additional inspection, sample collection and laboratory analyses;

E) Revoke the City occupational license;

F) Terminate water and sewer service; or

G) Any combination of the above enforcement actions.

j. Progressive enforcement action shall be pursued against users with multiple violations of the provisions of this section including, but not limited to, termination of water service.

k. The owner shall pay all outstanding fees, penalties, and other utility charges prior to reinstatement of water and sewer service.

l. Any owner user found in violation of the provisions of this section, and any orders, rules, regulations and permits that are issued pursuant to the Chapter, shall be served by the City with written notice by personal delivery by an authorized City employee or by registered or certified mail that states the nature of the violation and providing a reasonable time limit for satisfactory correction of the violation. The affected user shall permanently cease all violations within the time period specified in the notice.

e. _____ Injunctive Relief.

When the City Manager finds that an owner has violated, or continues to violate, any provision of this article or any other pretreatment standard or requirement, the City Manager may petition the circuit court through the City's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the requirement imposed by this article on activities of the owner. The City Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the owner to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an owner.

f. Civil Penalties.

1. An owner who has violated, or continues to violate, any provision of this article shall be liable to the City for a maximum civil penalty of \$1,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

2. The City shall be entitled to recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, regulatory fines or penalties, and the cost of any actual damages incurred by the City.

3. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the owner's violation, corrective actions by the owner, the compliance history of the owner, and any other factor as justice requires.

4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against an owner.

g. Remedies Nonexclusive.

The remedies provided for in this article are not exclusive. The City Manager or his designee may take any, all, or any combination of these actions against a noncompliant owner. Further, the City Manager or his designee may take more than one enforcement action against any noncompliant owner. (Ordinance #2010-002).

SECTION 159.070 Rates and Charges and Billing Procedures

a). Establishment of Water and Wastewater Capital Charges .

The City Commission hereby establishes, pursuant to general law, a water and wastewater capital charge payable at the time the building permit is issued unless wastewater capacity is purchased pursuant to a separate Developer's Agreement. The water and wastewater capital charge ~~is~~are established in Section 50.30 and Section 52.30 -of the City Code.

b). Determination of Equivalent Residential Unit Factors

(A) For purposes of calculating and imposing the capital charges, the ERU factor for any particular connection shall be calculated and imposed in the manner provided as follows:

Establishment	Unit	Factor
Residential:		
Single-family residential	Per Unit	1.000
Duplexes	Per Unit	1.000

Multi-family	Per Unit	0.750
Commercial		
Auditorium	Per seat	0.017
Automobile repair and maintenance store	Per bay	0.250
Barbershops	Per operating station	0.300
Beauty salons	Per operating station	0.900
Bowling alley	Per lane	0.333
Church	Per seat	0.017
Convenience store w/o gas pump	Use fixture units	
Dentist office	Per dentist	0.833
	Per wet chair	0.667
Department store	Per 1,000 sq.ft.	0.700
Doctor office	Per doctor	0.833
Extended care facility	Per efficiency	0.500
Food service:		
Restaurant/cafeteria	Per seat	0.100
Restaurant (24 hours)	Per seat	0.167
Restaurant (fast food)	Per seat	0.050
Bar/cocktail lounge	Per seat	0.067
Furniture store	Per 1,000 sq. ft.	0.200
Hospital	Per bed	0.833
Hotel, motel (not including food service, banquet and meeting rooms, & laundries)	Per room	0.500
Laundry/self service	Per machine	1.333
Meeting and/or banquet rooms (total sq.ft./15 sq.ft./person x 0.017 x # of seats)	Per seat	0.017
Nursing home	Per bed	0.417
Office Building (add food service & retail space)	1,000 sq.ft. gross	0.334
Retail store/self-service gas pumps	Per restroom (add remaining fixture units)	1.000
Schools, elementary & nursery	Per student	0.025
Schools, middle & high	Per student	0.067
Service Station	Per bay	1.000
Add:	Per wash bay	3.200
Add:	Per toilet room	1.000
Shopping Center	Per 1,000 sq.ft.	0.400

The 0.400 shopping center factor shall be used to calculate the initial ERU for the entire shopping center, including common areas, at the time the building permit is issued for the construction of the shopping center. Shopping center tenants whose particular use involves a higher ERU factor shall be required to pay the additional water and wastewater capital charges required thereby prior to the issuance of a certificate of occupancy.

Establishment		
Theater	Per seat	0.010
Theater (dinner)	Per seat	0.067
Trailer park (overnight)	Per space	0.333
Warehouse-office: Use fixture units for warehouse area and see office category for calculating ERU's in that area. (add for food service) (add for retail space if applicable)		
Industrial		
Building (not including food service; not including industrial waste flows)		
Without showers	Per employee	0.050
With showers	Per employee	0.117

One (1) equivalent residential unit (ERU), for the purposes of this section, has an assigned value of 1.00. One (1) wastewater ERU is hereby established and determined to be equal to a flow of two hundred fifty (250) gallons per day (GPD), average annual basis.

One (1) water ERU is hereby established and determined to be equal to a flow of three hundred twenty-five (325 gallons per day (GPD), average annual basis.

For all establishments not listed above, the total equivalent residential unit (ERU) value shall be determined by dividing the number of fixture units, in the establishment as published in the Standard Plumbing Code, by twenty-four (24). For example:

$$\text{Total ERU value} = \frac{\text{Number of Fixture Units}}{24}$$

The water or wastewater capital charge would then be determined by using the following formulas:

$$\text{Total ERU value} \times \text{current capital charge} = \text{wastewater capital charge}$$

$$\text{Total ERU value} \times \text{current capital charge} = \text{water capital charge}$$

In the event any water and wastewater customer changes the use of his property such that the new use has a higher ERU factor, that customer, prior to the issuance of a certificate of occupancy, shall be required to pay the increase in the water and wastewater capital charges represented by the higher ERU factor over the water and wastewater capital charges paid by the customer when the original service connection was made.

If an applicant for water or wastewater connection within any of the Commercial (non-residential) categories set forth in Subsection b.(A) of this Section can demonstrate, to the satisfaction of the Utilities Director, that actual water or wastewater usage will be less than eighty (80%) of the equivalent residential unit use assigned to such establishment as set forth above, then the Utilities Director may determine, based on actual usage, anticipated usage, peak load requirements, or any combination of the foregoing using accepted engineering standards, a different or lesser total equivalent residential unit value. If the Utilities Director determines that the actual water or wastewater usage will be greater than the equivalent residential unit usage assigned to such category as set forth above, then the Utilities Director may determine, based on actual usage, anticipated usage, peak load requirements, or any combination of the foregoing using accepted engineering standards, a different or greater total equivalent residential unit value.

c) Surcharges

Those users which have been granted an exception to discharge sewage or wastewater in excess of the concentrations set forth in Section 159.040 shall be subject to a surcharge based upon the constituent most exceeding the allowable unit during the period involved and will be based upon the average results from a minimum of three (3) laboratory analyses taken at different times during the period involved.

The surcharge for excess concentrations of suspended solids, oxygen-demanding constituents or other constituents will be determined as follows:

$$\frac{\text{Actual Constituent} - \text{Maximum allowable concentration mg/l}}{\text{Concentration mg/l (24 - hour flow proportional composite)}} = \text{Maximum allowable concentration (mg/l)}$$

The surcharge multiplier times the normal use charge for the period becomes the total surcharge to be added to the normal use charge for the period.

The Utilities Director will advise the user which analyses shall be conducted on wastewater or sewage samples and the frequency of sampling required. Samples may be required to be taken and analyzed by the user at his expense in a manner and at such intervals as required by the Utilities Director. Copies of tests shall be furnished by the user on forms approved by the Utilities Director. Samples may also be taken and analyzed by the POTW staff.

d) Special Agreements and Arrangements

No statement contained in this Section shall be construed as preventing any special agreement or arrangement by and between the City and any industrial user or contributor. The industrial strength or character of the wastewater may be accepted by the City, subject to payment therefore by the industrial concern.

e) Separate Water Meters for Irrigation and Other Special Purposes

Any sewerage service customer in the City who uses a material amount of city water that does not return such water to the city sewerage system (e.g., irrigation and certain industrial uses) may request that the City install a separate water meter for that portion of service provided they pay all fees associated with such meter. No water metered through such separate meter may be used for potable water purposes. No sewer service charge shall be made to that customer for so much of the water service as is indicated on such separate meter. The customer shall pay all fees associated with such meter as charged by City from time to time.

SECTION 159.080: Utility Line Extensions

a) Generally.

All developments shall provide necessary utilities. The plan, design, construction, and maintenance of such utilities shall be subject to City review and approval, and shall conform with the City's criteria for such facilities.

b) Purpose and Intent

The City has created utility capital charges to be paid by new utility customers when building permits are issued. Those capital charges, or impact fees, represent the amounts required to pay for major capital improvements to existing utility systems necessitated by new growth.

It is the intent of the City Commission to require new growth to pay for all major expansions to the existing utility systems required by the new growth. Accordingly, major utility line extensions required to serve new growth will be paid for from utility capital charges, and the cost of extending those utility lines has been included in the utility capital charge calculation. It is further the intent of the City Commission that the cost of installing utility service mains to connect to the utility capital lines shall be borne by the developer of the new growth.

c) Water and Wastewater Capital Line Extensions

Certain major water and wastewater mains are critical to the establishment of the City's utility system and will serve large regions of the City's utility service area. These major utility mains will be installed by the City from water and wastewater capital charges and shall be referred to as capital utility lines. Property fronting upon or otherwise benefited by, these capital utility lines will not be assessed for the cost of constructing these lines.

The capital utility lines to be installed by the City from capital charges shall be specifically identified on a master map or maps to be located and maintained in the City Hall. The map shall be referred to as the Capital Utility Line Map, and its maintenance shall be the responsibility of the City Manager or his designee. The initial map shall be adopted by reference ~~with, and~~ with and shall become a part of this Chapter. The Commission may amend Capital Utility Line Map, by Ordinance, as may be necessary to carry out the City's Master Water and Wastewater Plans.

d) Dry Lines for Future Construction and Expansion of Central Wastewater Service.

Any proposed development submitting a preliminary plat after the effective date of this ordinance shall construct wastewater collection and reclaimed water distribution dry lines, including all necessary lift and pumping stations, to be dedicated to the City of Fruitland Park for wastewater utility purposes. All dry lines constructed pursuant to this provision shall meet the design and performance standards used by City and be engineered to adequately meet the anticipated wastewater and reclaimed water demands of the development when central wastewater service is available.

e) Timing of Capital Utility Lines Extensions

Insofar as capital utility line extensions are dependent upon collection of capital charges for funding, the City makes no time commitment as to when those lines will be constructed. As funds are available from capital charges, capital utility line extensions will be constructed by the City based upon a priority schedule as determined by the City Commission.

f) Development in Areas Prior to Capital Line Utility Extensions

The City recognizes that areas of the City utility service area that are scheduled to be served by capital utility line extensions may be desired to be developed prior to the City's installation of the capital utility line extensions. In such an instance, the developer may be required to install capital utility lines at its own expense. Prior to such installation being performed, the City and the Developer shall agree on an appropriate amount of credit to be given to the developer based on the costs of installing such capital utility line extensions and the applicable utility capital charge.

In the event that the actual cost of installing the capital utility line extensions exceeds the total amount of a developer's utility capital charges, the City shall not be responsible for refunding any of that excess to the developer.

g) Construction of Connecting Service Mains and Facilities

All utility water lines, service mains, collectors, low pressure force mains and low pressure pumping units, and facilities necessary to connect a particular customer to an existing capital line extension shall be installed at the expense of the customer desiring service. The location, capacity, materials and design criteria for connecting service mains shall be subject to City review and ~~approval, and~~ approval and shall conform with the City's criteria for such facilities. In the event that the City desires to increase the size of any such collector service main above what is necessary to serve the customer installing the main, then the City shall pay for the difference in the cost of the size increase. Various customers that may be served by the installation of a utility service main may join together and share the cost of the installation of that service main.

However, the City will not be responsible for apportioning, rebating or otherwise accounting for the cost of the utility main among the various property owners.

All service mains and facilities constructed pursuant to this section shall, upon final completion and approval, be dedicated to and become the property of the City.

h) Construction of Development Mains and Facilities

All utility mains and facilities constructed pursuant to this section shall, upon final completion and approval, be dedicated to and become the property of the City.

i) Construction of Life Stations, Low Pressure Pumping Units, and Manholes

Lift stations, low pressure pumping units, manholes and other utility facilities required along capital line extensions shall be constructed by the City from capital charges at the time the capital line extension is installed. Lift stations, manholes and other utility facilities required along service or collector mains, or within developments, shall be constructed by the customer at his expense, in accordance with City standards.

j) Prior Agreements and Assessments

Nothing in this Section shall be construed as invalidating any contracts, agreements or assessments for the extension of utility lines in existence or under negotiation at the time this article becomes effective

SECTION 159.090: CITY COST PARTICIPATION IN INFRASTRUCTURE IMPROVEMENTS.

The City may participate in the construction of certain upsized improvements designed to serve the larger needs of the City beyond the requirements for an individual development project.

a) Water Mains.

1) Oversizing of Water Mains.

The City will not participate in the upsizing of any water main required to be an eight inch (8") diameter or less.
~~(8") diameter or less.~~ Where the City requires a water main to be sized over eight inches (8") diameter, but the minimum service levels required by the Land Development Code can be satisfied for the project using a water main of eight inches (8") diameter or less, the City may participate in the amount of the difference of pipe and fittings costs between an eight inch (8") diameter line and the diameter required by the City.

2) Line Extensions to Serve Development.

Based on the goals, objectives and policies of its Comprehensive Plan, the City will not participate in the base cost to install extensions to serve development, except as outlined above.

3) Extension of Lines to Project Boundaries.

The City will not participate in the required extension of lines to project boundaries, except in the case of additional pipe size or depth is required as outlined above.

b) Drainage Facilities

In general, the City will not participate in any drainage facilities required for the development of a specific project. This includes culverts and bridges for roads, driveways, and sidewalks which cross existing or proposed swales, ditches or canals. The City will not participate in the construction of drainage facilities designed to accommodate the normal existing or nature flows from offsite watersheds.

3) *Extension of Lines to Project Boundaries.*

The City will not participate in the required extension of lines to project boundaries, except in the case of additional pipe size or depth is required as outlined above.

b) Drainage Facilities.

In general, the City will not participate in any drainage facilities required for the development of a specific project. This includes culverts and bridges for roads, driveways, and sidewalks which cross existing or proposed swales, ditches or canals. The City will not participate in the construction of drainage facilities designed to accommodate the normal existing or natural flows from offsite watersheds.

Where the City requires drainage facilities to be increased in capacity to alleviate existing development related drainage problems and flows not normally anticipated under stormwater management requirements, the City may participate in the costs of constructing the increase in capacity above the normally anticipated flows.

c) Participation Reimbursement Requirements.

~~1) 1)~~ Where City cost participation is allowed and desired, the developer shall obtain and submit to the City a minimum of three (3) signed and dated bids on the project from reputable contractors, qualified and capable of performing the work. The bid format should clearly delineate the construction eligible for participation. Upon review by appropriate City staff, a recommendation for the amount and form of participation will be forwarded to the City Commission for approval.

~~2) 2)~~ City participation may be awarded in the form of cash reimbursement, impact fee credits, or a combination of the two, at the discretion of the City Commission.

~~3) 3)~~ Participation credits or reimbursement will not be made until final inspection and acceptance of the improvements.

SECTION 159.100: SOLID WASTE COLLECTION SERVICE.

a) Minimum Service Requirements.

~~1) 1)~~ Townhouse and multifamily projects shall provide one standard dumpster pad for every 20 residential units. Fee simple owned townhouses with direct road frontage and individual driveways (as opposed to parking lots) are exempt from dumpster service requirements.

~~2) 2)~~ Commercial developments shall provide one standard dumpster pad for every seven thousand five hundred (7,500) square feet of retail space and every ten thousand (10,000) square feet of office space.

~~3) 3)~~ Industrial developments shall provide one standard dumpster pad for every ten thousand (10,000) square feet of office or manufacturing space, and one standard dumpster pad for every thirty thousand (30,000) square feet of warehouse space.

~~4) 4)~~ Institutional buildings shall meet the requirements or combination of requirements that reflect the specific use or uses of the building.

~~5) 5)~~ These requirements are minimum requirements. If the number of dumpsters does not meet regular needs of the development, the City may require the construction of additional facilities.

b) Solid Waste Facility Design

The layout and design of dumpsters and other solid waste facilities shall comply with the following criteria and the adopted Paving and Drainage Details of the City.

1) Accessibility.

— Dumpster pad locations shall be designed to accommodate front loading trucks. No dumpster shall be located so as to require the truck to back up a distance of more than one hundred (100) feet. Multiple locations shall be oriented to allow the shortest route to service the group of dumpsters. All drives that provide access to dumpsters must be able to accommodate a thirty-five (35) foot inside turning radius totally within the paved area. Dumpster pad locations should generally be angled at 45 degrees or less from access drives except when located at intersections from allowing 90 degree access.

2) Clearance.

Fences, walls, landscaping and other improvements shall be located so as to provide clearance including vertical clearance from power lines, light standards and trees.

3) Enclosure.

— Each dumpster location shall be surrounded by an enclosure. Enclosures should remain — open on the service side, except in high visibility locations where gates may be approved.

c) Reserved

SECTION 159.110: STORMWATER MANAGEMENT UTILITY.

Creation of Stormwater Management Utility.

Pursuant to the home rule power of Article VIII, 2(b), Florida Constitution, Chapter 166, Florida Statutes, Section 403.0893, Florida Statutes, and the City's Charter, the City of Fruitland Park does hereby establish a stormwater management utility and declare its intention to acquire, own, construct, equip, operate and maintain open drainage ways, underground storm drains, treatment facilities, equipment and appurtenances necessary, useful or convenient for a complete stormwater management system, and also including maintenance, extension and construction of the present stormwater management system of the city; to minimize by suitable means such system's adverse effect on the water quality of lakes, ponds and basins within the city; to seek and to maintain the levels of lakes, ponds and basins within the city; to facilitate the maintenance of retention areas; and to seek the cooperation of other local governments in minimizing the effects of all such systems and other sources of accelerated runoff to flooding and water quality.

SECTION 159.111: DEFINITIONS.

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

"Beneficiaries of drainage service" means all developed real properties within the city which benefit by the provision of maintenance, operation and improvement of the stormwater control system. Such benefits may include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazard to property and life resulting from stormwater runoff; and improvement in the general health and welfare through reduction of undesirable stormwater conditions and improvements to the water quality in the stormwater and surface water system and its receiving waters.

"Contributors of drainage waters" means all developed real properties within the City.

—————190 a

Revised 11.17.06, Ordinance 2005-029

"Developed" means any property altered in appearance by removal of vegetation, grading of the ground surface and construction of a structure or impervious surface.

"Director" means the director of the stormwater management utility as appointed or designated by the City Manager.

"Equivalent residential unit (ERU)" means the average impervious area for single-family dwellings in the city, as established by resolution or ordinance of the City Commission.

"Fee" means stormwater management utility fee enacted in this section and set forth by ordinance.

"Hydrologic response" means the manner and means by which stormwater collects upon real property and is conveyed from real property, and which is a function dependent upon a number of interacting factors including, but not limited to, topography, vegetation, surficial geologic conditions, antecedent soil moisture conditions and groundwater conditions. The principal measures of the hydrologic system may be stated in terms of total runoff volume, as a percentage of total precipitation which runs off or in terms of the peak rate of flow generated in the event of a storm of given duration and intensity or statistical interval of return (frequency).

"Impervious areas" means those areas which either prevent or retard the entry of water into the soil mantle, as it enters under natural conditions prior to development and/or caused water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas and other surfaces which similarly impact the natural infiltration or runoff patterns which existed prior to development, including normal water in ponds and lakes.

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~~and other surfaces which similarly impact the natural infiltration or runoff patterns which existed prior to development, including normal water in ponds and lakes.~~

"Multiple dwelling unit" means a building or facility consisting of more than one dwelling unit, each such unit consisting of one or more rooms with bathroom and kitchen facilities designed for occupancy by one family.

"Nonresidential unit" means any building, structure or facility used other than as a dwelling unit or single-family unit.

"Open drainageway" means a natural or manmade open cut which has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation, such as swales, ditches, canals, streams and creeks.

"Peak flow" means the highest instantaneous rate of stormwater runoff, measured or estimated in cubic feet of water per second. It is differentiated from total flow volume by the introduction of a unit of time measure during which the maximum rate of flow is measured, calculated or estimated.

"Single-family unit (SFU)" means one or more rooms with bathroom and kitchen facilities designed for occupancy by one family such as houses, townhouses, apartment units, duplex units, condominiums, zero lot line, etc.; where the units are sold, deeded or leased as single-family units and/or have individual water meters.

"Stormwater control system" means any means by which the stormwater runoff is conveyed, the peak flow from developed land surfaces is reduced, the erosion created by stormwater is reduced and/or the water quality of the stormwater runoff is improved.

"Total flow" means the accumulative volume of stormwater discharged from a property, basin or watershed. The total flow is quantified in measures such as acre feet or cubic feet of water.

"Utility" means the stormwater management utility created by this article.

SECTION 159.112: FINDINGS AND DETERMINATIONS.

It is hereby found, determined and declared as follows:

1) Those elements of the system ~~for the collection, treatment and disposal of stormwater and surface water are of benefit and provide services to all property within the city, including property not presently served by the storm elements of the system.~~

(2) The costs of operating and maintaining the city stormwater management ~~utility system and financing necessary repairs, replacements, improvements and extensions of such system should, to the extent practicable, be allocated in relationship to the user impacts, benefits enjoyed and services received there from.~~

(3) All property within the city demonstrates a hydrologic response to rainfall events which generate stormwater runoff. The volume, rate and quality of

runoff will vary with the soil type, land use conditions, topographic conditions and other variables. In particular, the construction of commercial units on previously undeveloped property will generally increase the volume and rate of stormwater runoff and adversely affect its water quality.

SECTION 159.113: FEES-IMPOSED.

A stormwater fee is hereby imposed upon each developed lot and parcel within the city for services and facilities provided by the stormwater management utility system. For purposes of imposing the stormwater fee, all lots and parcels within the city are classified as residential or nonresidential. The director or his or her designee is directed to prepare a list of lots and parcels within the city and assign a classification of residential or nonresidential to each lot or parcel.

SECTION 159.114: FEES SCHEDULE.

- a) For residential developed property, the City Commission shall by resolution or ordinance establish reasonable rates for the stormwater utility drainage system. Each single-family dwelling unit (SFU) shall be billed a flat fee based upon one (1) equivalent residential unit (ERU) per dwelling unit. For residential accounts not individually metered, the account holder of the master meter shall be billed the fee established for an SFU, multiplied by the number of residential units.
- (b) For nonresidential properties, the number of equivalent residential units (ERU) shall be determined periodically and shall be included in the rate resolution or ordinance. All nonresidential properties not covered by subsection (a) of this section shall be billed, based on the total impervious area of the property divided by the ERU and then multiplied by the rate established for a residential unit. The total impervious area of the property and the number of ERUs shall be updated by the director based upon any additions to the impervious area as approved through the permitting process. For nonresidential properties that are not separately metered, the total bill will be sent to the account holder of the master meter.

SECTION 159-115: CALCULATION OF REDUCTION.

It is the policy of the City of Fruitland Park to encourage the placement or retrofitting of stormwater management facilities on developed properties which facilities have the capability of reducing or mitigating stormwater flow or pollution beyond such levels as may be imposed by the Land ~~Development~~ Code Regulations of the City of Fruitland Park or the St. Johns River Water Management District. Such policy shall be implemented as follows:

- (1) A reduction or credit against the stormwater management utility fee is authorized for those developed properties which are addressed by a stormwater retention facility designed and constructed for the purpose of stormwater flow mitigation and pollution reduction if it meets designated standards.
- (2) A reduction in fee may be allowed for a particular property only if the stormwater runoff from the property is served by a stormwater management facility that has been designed, constructed and is

maintained properly for the purpose of stormwater flow mitigation and pollution reduction as measured against a defined standard established by the city. To be eligible for stormwater retention credit, the facility must be constructed, owned, operated and maintained by other than the city. The facility must also be on land owned by other parties than the city and upon which there are no drainage easements dedicated to the public for the general purposes of drainage retention, flow mitigation or stormwater pollution abatement.

- (3) For applicable properties, a credit may be ~~calculated~~calculated, and the fee may be reduced based upon defined standards and a formula the City Commission may establish by resolution. No property shall have a verified right to the use of any particular formula or fee reduction other than that established by the City Commission by resolution. It shall be the responsibility of the applicant to apply for the retention credit and supply all information needed to substantiate the credit under the defined standards, formula and procedures established by the city. The director or his or her designee shall be responsible for verifying or disallowing any fee reduction credit for a stormwater retention facility.

SECTION 159.116: APPEAL OF IMPERVIOUS SURFACE CALCULATION.

Any person disagreeing with the calculations of impervious surface, as determined by the utility, may appeal such determination to the director. Any appeal must be filed in writing and shall include a survey prepared by a registered surveyor showing total property area and impervious surface area. Based upon the information provided by the utility and the appealing party, the director shall make a final calculation of impervious surface. The director shall notify the parties, in writing, of his decision. If still dissatisfied, a party may appeal the director's decision to the City Commission in the same manner as set forth in this section. The decision of the City Commission shall be final.

SECTION 159. 117: ~~FUND; CREATION;~~ USE OF FUNDS.

- (a) All stormwater drainage utility fees collected by the city shall be paid into a fund which is hereby created to be known as the "stormwater management utility fund". Such fund shall be used for the purpose of paying the cost of stormwater management facilities to be constructed in the various storm drainage basins and paying the cost of operation, administration and maintenance of the stormwater management facilities now existing and to be constructed in the city. To the extent that the stormwater management fees collected are insufficient to construct the needed stormwater management facilities, the cost of the facilities may be paid from such city fund as may be determined by the City Commission, but the City Commission may order the reimbursement of such fund if additional fees are thereafter collected.
- (b) The fees and charges paid shall not be used for general or other governmental or proprietary purposes of the city, except for

administrative assessments to cover an equitable share of the cost of accounting, ~~management~~management, and government thereof. Other than as described in subsection (a) of this section, the fees and charges shall be used solely to pay for the cost of operation, repair, maintenance, improvements, renewal, replacement, design, right-of-way acquisition and construction of public stormwater drainage facilities existing now ~~and in the future~~and, in the future, and the costs incidental thereto.

SECTION 159.118: COLLECTION OF FEES.

- (a) The stormwater drainage utility fee shall be billed and collected with the monthly utility bill for those lots and parcels of land utilizing city utilities and billed and collected separately as stormwater management utility fees for those lots and parcels of land and owners thereof not utilizing other city utilities. All such bills for stormwater management utility fees shall be rendered monthly by the Finance Department and shall become due and payable in accordance with the rules and regulations of the Finance Department pertaining to the collection of utility fees. The stormwater management utility fee is part of a consolidated statement for utility customers which is generally paid by a single payment. If a partial payment is received on an account, the payment shall first be applied to water, next applied to storm water, and finally applied to the garbage and trash.
- (b) Any charge due under this article which is not paid when due may be recovered in an action at law by the city. In addition to any other remedies or penalties provided by this article or any other ordinance of the city, failure of any user of city utilities within the city to pay such charges promptly, when due, shall subject such user to discontinuance of utility services. The director is hereby empowered and directed to enforce this section as to any and all delinquent users. The employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair or the enforcement of the provisions of this article.
- (c) All stormwater management utility fees assessed pursuant to this article shall be a lien upon the property to which such fee is associated from the date the fee becomes due until such fee is paid. The owner of every building, premises, lot or house shall be obligated to pay the fee for all service provided for his premises, which obligation may be enforced by the city by action or law or suit to enforce the lien in the same ~~manner~~ as the foreclosure of mortgages. In the event of such action, the city shall be entitled to recover all court costs and reasonable attorney fees for such collection. In the case that a tenant in possession of any premises or buildings shall pay the charges, it shall relieve the ~~land owner~~landowner from such obligation and lien, but the city shall not be required to look to any person whatsoever other than the owner for the payment of such charges. No changes of ownership or occupation shall affect the application of this article, and the failure of any owner to learn that he purchased property against which a lien for stormwater management utility fees exists shall in no way affect his responsibility for such payment.

SECTION 159.11920: ALTERNATIVE WATER SUPPLY

(a) **DEFINITIONS**

The following words, terms and phrases, when used in this ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"*Alternative Water Supply*" means salt water; brackish surface and groundwater; surface water captured predominately during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater, water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; stormwater; and any other water supply source that is designated as nontraditional for a water supply planning region in the applicable regional water supply plan.

"*Augmentation Water*" means water from an additional source, such as stormwater retention ponds, surface water, groundwater or from an approved wetland and blended with the final effluent of a City wastewater treatment plant.

"*Backflow device*" means either a dual check device composed of two single independently active check valves, as described in the American Water Works Association Standard C510, as may be amended from time to time, and the American Society of Sanitary Engineering Standard 1024, as may be amended from time to time, and/or a reduced pressure principle device, as described in the American Water Works Association Standard C511, as may be amended from time to time, and/or the American Society of Sanitary Engineering Standard 1013, as may be amended from time to time.

"*Billing*" means the charge made for alternative water supply service. The charge shall be included on the monthly utility bill.

"*Charges*" means those charges set by the City Commission for costs of providing service, pursuant to this Ordinance.

"*Cross connection*" refers to any physical connection or arrangement which would allow the movement of contaminants or fluids between any non-potable water system, such as the alternative water supply system, and a potable water system.

"*Customer*" means the actual user of the alternative water supply system.

"*DEP*" means the Florida Department of Environmental Protection, or its successor in function.

"*Department*" means the Public Works department of the City or its successor in function.

"*Development*" means a material change in the use or character of the land, including, but not limited to, the placement of any structure or substantial alteration on the land.

"*Director*" means the Director of the Public Works Department or such other designee of City Manager.

"*Discontinuation of service*" means cessation of a service by physical separation from the system's service lines to ensure that no service can be received.

"*PE*" means polyethylene.

"*Public eating, drinking, bathing facility*" means water fountains, picnic tables, swimming pools, spas, and food service facilities, such as tables and beverage counters that are open to and provide service for the public.

"*PVC*" means polyvinyl chloride.

"*Reclaimed water*" means treated effluent from a City wastewater treatment plant supplied through the reclaimed water reuse distribution system.

"*Reclaimed water reuse system*" means those reclaimed water mains, lines, fittings, valves and appurtenances installed in public rights-of-way or utility easements, which are owned by the City.

"*Service valve*" means the manually operated valve which controls total reclaimed water flow to the customer's property located at the point where the alternative water supply service line crosses the property line.

"*Well*" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of groundwater.

(b) **PURPOSE**

This ordinance establishes that the City's existing utility will be expanded to include alternative water supply services, if feasible, and responsibilities for facilities owned by the City.

(c) **CREATION OF PROGRAM**

The purpose of this ordinance is to create an alternative water supply and reclaimed water reuse program for the City. The purposes of the program are to utilize highly treated reclaimed wastewater and other alternative supply sources within the City for environmentally suitable purposes and to conserve groundwater supplies for future generations by minimizing the use of potable water from groundwater sources by appropriate uses of alternative water supplies.

The City has elected to create an alternative water supply program in order to reduce demand on the potable water system through reuse/disposal of highly treated reclaimed water by land application or other suitable purposes.

(d) **ADOPTION OF STATE REGULATIONS**

The construction, maintenance, and use of the alternative water supply system shall be in accordance with the provisions of F.A.C. 62-610. If any of the provisions of that chapter are more restrictive than the provisions of this code, the applicable provisions of F.A.C. 62-610 shall prevail.

(e) **PROMULGATION AND ENFORCEMENT OF ALTERNATIVE WATER SUPPLY SERVICE PROCEDURES AND REGULATIONS**

1. The City Manager or designee shall have the power to promulgate procedures and regulations with respect to the following matters, which procedures and regulations shall become effective upon a resolution approving such procedures and regulations being adopted by the City Commission:
 - a. Application procedures, forms, and requirements, and allowable uses other than irrigation. All uses must be in accordance with applicable DEP regulations.
 - b. Installation requirements, including specification of acceptable materials, devices and regulations to prevent backflow or cross connections with other systems.
 - c. Procedures for enforcement of the ordinances and regulations pertaining to reclaimed water, including procedures for inspection of the customer's system.
 - d. Procedures for the orderly expansion of the alternative water supply system.
 - e. Procedures and regulations for the efficient operation of the alternative water supply system.
2. Notwithstanding the provisions of this section, the City Manager or designee may, when necessary for the efficient operation of the alternative water supply system or for the health or safety of the general public or the customer, establish regulations regarding the following matters, which regulations shall become effective at the time of promulgation without the need for City Commission approval:
 - a. The times of day or night during which the alternative water may be used by customers.
 - b. The maximum rate of use of the alternative water.

3. No person shall construct, operate, maintain or allow to remain present on property owned or controlled by him any device or system which is connected to or which controls a device or system connected to the City's alternative water supply system and which is not in compliance with all provisions of DEP regulations and this ordinance related to alternative water and with all procedures and regulations promulgated pursuant to this section. Alternative water shall not be directed or piped into any residence or commercial building. The person who owns or controls the property upon which such a non-complying device or system is found shall be liable to the City for the amount by which the costs associated with the securing and/or removal of the non-complying device or system exceeds the cost of a normal discontinuance or service. These excess costs shall constitute a lien against the property upon which the non-complying device or system is located.
4. Any customer whose alternative water supply system is in violation of any City ordinance, regulation or procedure shall be subject to immediate discontinuance of alternative water supply service. The City shall disconnect alternative water supply service to any user due to tampering with any service, plumbing cross connections with another water source, nonpayment of bills, or for any other reason which is deemed by the public works department to be detrimental to the system. The City shall disconnect service until the condition is corrected and all costs due to the City are paid. These costs shall include delinquent billings, disconnection and reconnection charges, and payment for any damage caused to the system. At no time during the period of disconnection shall the monthly service charges be abated. Should service be turned on without authorization, the department shall remove the service and the violator shall be subject to section 70-164. The City shall have the authority to lien the real property of any user for nonpayment; and if the nonpayment continues for a period of three months following the recording of the lien, the City shall have the right to foreclose the lien. Such discontinuance of service shall not relieve any person of liability for civil actions or for criminal or municipal ordinance violation prosecution.
5. Upon being connected to the City's alternative water supply system, any existing wells on the subject property shall not continue to be used for irrigation and shall be disconnected from the irrigation system.
6. All connections shall be made in accordance with policies and regulations adopted by the City Commission. This provision shall not be construed to entitle any person to cross the property of another to make such connections.

(f) **ALTERNATIVE WATER SUPPLY SYSTEM CHARGES AND FEES**

1. Any user of the services of the alternative water supply system shall pay to have the alternative water supply system connection installed. Once the service is connected, the user shall pay a minimum

monthly availability charge and a usage charge. These charges will be set by resolution of the City Commission, and shall be on file in the City Clerk's office.

2. Bills for alternative water supply service shall be rendered as a part of the regular City bill for utility services.
3. For purposes of this section, an alternative water availability charge is a charge established by the City Commission for the availability of alternative water supply service provided by the City to a property. Alternative water supply service is deemed available to a property if an alternative water meter is located at the property regardless of whether the property is actively receiving alternative water supply service. The charge shall be billed in the City utility bill of the consumer for those accounts which are actively receiving alternative water supply service and in a utility bill to the owner of the property for those properties not actively receiving alternative water supply service.

(g) **PUBLIC EASEMENT/RIGHT OF WAY REQUIREMENTS**

No facilities will be installed under the provisions outlined in this Ordinance and accepted by the City for maintenance unless it is in dedicated public right-of-way or dedicated public easement. Any new easement shall be adequately sized as approved by the Director to accommodate construction and maintenance of any alternative water supply system component. No obstruction of whatever kind shall be planned, built, or otherwise created within the limits of the easement or right-of-way without written permission of the Director.

(h) **OWNERSHIP**

All alternative water facilities and appurtenances within dedicated public easements, when constructed or accepted by the City shall become and remain the property of the City. No person shall, by construction of facilities accepted by the City, acquire any interest or right in any of these facilities or any portion of such facilities, other than the privilege of having their property connected for alternative water service in accordance with this Ordinance.

(i) **RIGHT TO REFUSE SERVICE**

The City shall have the right at all times, to refuse to extend service on the basis of a use detrimental to the system, inadequate supply of alternative water, lack of payment of required service charge, or for any other reason which, in the judgment of the Director will cause the extension not to be to the benefit of the City.

(j) **SERVICE INTERRUPTION**

1. The City reserves the right to temporarily discontinue service to any portion of, or the entire, alternative water supply system as deemed necessary by the City Manager or designee.
2. The City Manager or designee shall have the authority to establish schedules to control the use of the water reuse system in order to reduce maximum pressure demands on the system and to regulate usage of reused water to balance with supply and storage availability.

(k) **CROSS CONNECTION CONTROL**

Prior to connecting a user to the alternative water supply system, the public potable water supply shall be protected by installation, at the user's expense, of an approved cross connection control assembly.

(l) **UNAUTHORIZED WORK ON ALTERNATIVE WATER SUPPLY SYSTEM**

1. No person, unless expressly authorized by the City Manager or his designee, shall tamper with, work on, or in any way alter or damage any City alternative water facility. Tampering or work shall include but is not limited to opening or closing of valves, or causing of any water to flow from the system. No unauthorized person shall cut into or make any connection with the system. The offending person shall be liable for the cost of all charges attributable to the correction of such tampering, including legal expenses; but payment of or correcting of such damage shall not relieve the offending person from civil or criminal penalties the City or a court of law may impose for a violation of a City ordinance.
2. The service valve located between the alternative water customer's irrigation system and the City's distribution system may be operated by the customer only when he private valve, required on the customer's premises, requires repair.

(m) **INSPECTION**

1. To ensure that all provisions of City ordinances, regulations and procedures are being observed, the City reserves the right and privilege of inspecting, removing and/or securing any or all devices installed by the customer which connect to or control the alternative water.
 - a. Inspections without cause to believe that an ordinance or regulation is being violated shall be at reasonable times and shall not exceed a reasonable frequency.
 - b. Inspections where there is reasonable cause to believe that an ordinance or regulation is being violated shall be at such times and shall occur with such frequency as is necessary to establish that an ordinance or regulation is or is not being violated.

2. Each customer of alternative water shall, by application, give prior written consent to entry upon his premises, and thereby waives any other written notice for such inspection. Failed of the City to obtain such a written waiver shall not affect the right of the City to proceed pursuant to subsection (a) of this section.
3. Refusing to permit an authorized City agent or employee to enter onto the premises for the purpose of inspecting the customer's alternative water supply system pursuant to this section shall constitute a violation of this section and shall be grounds for immediate discontinuance of the alternative water supply service by the City to the subject premises.

(n) **ALTERNATIVE WATER SERVICE FOR NEW SUBDIVISIONS**

1. *Minimum service requirements.*

- a. All new subdivisions located within the existing City F.S. Ch. 180 Utility Service Area shall construct alternative water mains to provide irrigation and other non-potable uses, including common elements. Alternative water supply service including required ~~back flow prevention devices and taps~~ shall be installed for each lot. Actual service tap size and potential sharing of service lines shall be reviewed and approved. These improvements shall be completed and in place regardless of whether City alternative water is available to the project at the time of development. At such time as City alternative water is available each lot and other property to which a tap was required shall accept City alternative water supply service.
- b. Site development plans for all new development on previously vacant property where the City alternative water lines adjoin the property shall show irrigation systems connected to alternative irrigation systems which shall be configured for ultimate connection to alternative water mains by locating pumps or potable water system connections adjacent to the right-of-way or other planned alternative water main location.
- c. Alternative Water Supply Systems shall be required within all subdivisions receiving final plats ~~after January 1, 2010~~.

2. *Existing Landscape Irrigation System.* Existing landscape irrigation _____ system located within the City shall accept City alternative water _____ supply service when available as follows:

- a. If the existing irrigation system on such property is using City potable water for irrigation the property shall connect to the City's alternative water supply service when available.
- b. If the existing irrigation system on such property is using City potable water for irrigation the property shall connect to the City's alternative water supply service when available.

- c. No new irrigation system for landscaping use shall be allowed in the City unless it connects to the City's alternative water lines if such lines are available to the property seeking irrigation.

3. *System Design.* The layout of alternative water supply systems shall comply with the following design criteria and the adopted standard utility details of the City.

4. *General standards.* Design and installation practices, materials, and methods shall conform with requirements for potable water systems, except where specifically modified by policies or details adopted for the alternative water supply system.

5. *Main size.* Mains shall be sized based on the anticipated demand for alternative water use based on land use, soil characteristics, and potential non-irrigation use. Minimum main size shall be six inches in diameter.

6. *Extension of lines to project boundaries.* Alternative water mains shall be designed to stub out to the project boundaries to serve adjacent unserved properties. This shall include mains in all rights-of-way, across the entire project frontage on existing roads without existing mains, and to the property boundary via easement when no other access is available to unserved properties.

7. *Color coding of alternative water appurtenances.* All alternative water supply materials shall be color coded purple from the manufacturer in accordance with DEP regulations.

8. *Availability.* Availability shall mean the City having sufficient capacity to provide service to a subject property and the alternative water lines being physically located within 120 feet of the subject property.

CHAPTER 160

SITE DEVELOPMENT PLAN APPROVAL

SECTION 160.010: TITLE.

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

SECTION 160.020: PURPOSE AND INTENT.

The purpose of this section is to establish uniform requirements and procedures for reviewing applications for site plan approval. It is further the intent of this section to establish procedures and standards to implement the goals and policies of the City of Fruitland Park Comprehensive Plan, and to ensure compliance with the intent, standards and procedures of all applicable land development regulations.

SECTION 160.030: APPLICABILITY.

All construction of site improvements, and construction of building improvements for new structures, increases in the size of a structure, or changing the class of use of a structure, shall be required to comply with the requirements of this Chapter, except where exempted in Section 160.040(a)(3) of the Land Development Code.

SECTION 160.040: APPROVAL OF DEVELOPMENT PLANS.

a) Designation of Plans as Major or Minor Development.

For purposes of review and approval under the Land Development Code, all plans shall be designated as Minor Development or Major Development as outlined below:

1) Major Development.

A development plan shall be designated as a major development if it meets one or more of the following criteria:

- A) The plan includes the final plat for the subdivision of land.
- B) The plan is a required conceptual plan for the rezoning to, or development of property within the PFD or PUD district.
- C) The plan proposes the development of four (4) or more dwelling units.

- D) The plan proposes the development of five thousand (5,000) or more square feet of non-residential floor space or new impervious surface area more than 10% of the site/area of development.

- E) The plan is a part of a larger development proposal, or poses special development issues, that in the opinion of the City Manager or designee, require the additional review of a major development.
- F) Where two (2) or more minor site plan requests or administrative approval requests for a single project area/site have been submitted and approved for any one (1) year, the City Manager or designee may require any subsequent request to be reviewed pursuant to the criteria of a major site plan.

2) Major-Minor Development.

A development plan shall be designated as a minor development if it fails to meet the criteria for major development.

3) Exempt from Site Plan Review.

Individual Single-family and duplex dwelling units or minor appurtenances thereto, such as private swimming pools, fences, yard, etc.

b) Pre-application Conference.

Prior to filing for development plan approval, the developer or the developer's representative shall meet with the City Manager or designee, in order to verify the steps necessary for application and review, and discuss potential issues regarding the development proposal. Comments made during the pre- application conference are totally completely non-binding on the formal review of the development plans, except that an applicant may request a written confirmation of the designation of the proposal as a major or minor development.

The City of Fruitland Park finds and determines that in order to provide comprehensive and effective guidance to the City, professional and consultant services are necessary, particularly with regard to applications for development. All property owners and/or developers submitting development applications of any kind to the City of Fruitland Park shall be responsible for paying the costs incurred by City for professional and consultant fees associated with such applications and for all costs reasonably associated with providing adjacent property owner notifications.

1) Scheduling.

Arrangements for the pre-application conference are to be made through the City Manager's Office Community Development Department.

2) Items Required.

The applicant shall submit ~~seven (7) copies~~ one (1) original hard copy and one (1) electronic copy of the development application, preliminary sketch plan(s) of the proposed development. A general description of the proposed development must be noted including the approximate building size, type and use, proposed parking areas, location map, provisions for water and wastewater, proposed phasing of development, parcel size and proposed uses, environmentally sensitive areas, including areas located within the Special Flood Hazard Area, existing zoning and comprehensive land use classification(s) of the subject site and adjacent sites. Requirements for conceptual plans for a PUD shall be as specified in Section 154.030(d)(8)(G)(i).

c) Application for Development Plan Approval.

Application for development plan approval shall be made to the City Manager or designee utilizing the form provided by the City for that ~~purpose, and~~ purpose and accompanied by the appropriate review fee. Application shall be accompanied by the seven (7) copies original hard copy and one electronic copy of the proposed plans, signed and sealed by a registered engineer, architect, landscape architect, as required by the Land Development Code. Electronic copy of plan shall be electronically signed and sealed. Plans shall be prepared according to the standards of the Land Development Code.

1) Review of Application Materials.

Within ~~two~~ five (25) working days of the receipt of a development application for approval of a development permit or development order, the City shall review the application for completeness. ~~determine whether the submittal is complete.~~ Incomplete submittals shall be returned to the applicant with the deficiencies noted in writing. ~~Re-applications shall be accompanied by a re-application fee as adopted by the City Commission.~~

Applicants have thirty (30) days to address deficiencies by submitting the required information. Resubmittals shall be accompanied by a re-application fee as adopted by the City Commission.

2) Initiation of Development Review.

When an application is determined to be sufficient, the City Manager or designee will distribute the package to pertinent city staff, city consultants, and required outside agencies. ~~complete, it shall be scheduled for the next scheduled Technical Review Committee (TRC) meeting, but no earlier than~~

~~one (1) week~~two (2) weeks from the date the application was determined to be complete.

d) Major Development Review Process.

1) 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 business days after the meeting within thirty (30) days after receipt of an application.~~ City staff will determine sufficiency of the major development plan application package within five (5) business days of submittal. The City Manager or designee will mail notice of missing items within five (5) business days.

2) Once the major development plan application package is determined sufficient, the City Manager or designee will distribute the package to pertinent city staff, city consultants, and required outside agencies within two (2) business days.

3) City staff and city consultants have ten (10) business days to issue comments back to the City Manager or designee.

4) The City Manager or designee will forward comments to the applicant within two (2) business days of receipt of all staff comments. Please note: outside agencies may not abide by the city's schedule. The city will make every effort to follow up with outside agencies for comments; however, those may be received and provided to the applicant at a later time.

5) A TRC (Technical Review Committee) meeting will be scheduled once all comments from city staff, city consultants, and required outside agencies have been received not less than two (2) weeks prior to the normally scheduled meeting.

6) This process is repeated for subsequent submittals with the City Manager or designee having two (2) business days to distribute and city staff and city consultants having a maximum of ten (10) business days to return comments back to the City Manager or designee.

7) At each submittal, one (1) original hard copy of all documents and an electronic (.pdf) submittal are ~~due~~required. The legal description must be

submitted in Microsoft Word format. All engineered plans and renderings must be submitted on 24"x 36".

- 8) The applicant will be notified when all city staff, city sub consultants, and outside agency comments have been sufficiently addressed. Major development plans shall be scheduled for review at the next available Planning and Zoning Board meeting and must be approved by the City Commission.

Once the applicant receives comments from the city and outside agencies on the complete application submittal, the applicant has ninety (90) days to submit a formal response. If the applicant requires additional time, the applicant ~~should~~shall formally request an extension from the city. If the applicant fails to respond within ninety (90) days, the applicant may be required to submit a new application fee.

2) *Minor Development Approval.*

Minor development projects ~~may~~must resubmit plans and any other requested additional information in response to the TRC comments ~~at any time within sixty (60) days of the TRC meeting~~ within thirty (30) days. The plans shall be reviewed by appropriate TRC members, based on the outcome of this second review, the City Manager or designee shall take one of the following actions: ~~within fifteen (15) working business days of resubmittal:~~

- A) If previous comments were not addressed, or the plan modifications result in additional code discrepancies, such comments shall be transmitted along with a reasonable deadline for resubmission based on the number and magnitude of outstanding issues. However, in no case shall resubmittal be made more than thirty (30) days after the transmittal of comments.
- B) If all comments are satisfactorily addressed, a development order shall be issued.

3) *Major Development Approval.*

Major development projects must resubmit plans and any other requested additional information in response to TRC comments ~~within one (1) business week of the TRC meeting for expedited processing before the Planning and Zoning Board and City Commission~~ thirty (30) days. Failure to address deficiencies within thirty (30) days shall result in the application being

withdrawn unless a request for extension is approved, in writing, by both parties. If an application is withdrawn or otherwise made void, the applicant shall resubmit the application, plus applicable review fees before the application will be reconsidered. Revised +9Plans may be submitted up to one (1) business week after a regularly scheduled TRC meeting for inclusion on the subsequent Planning and Zoning Board agenda unless deficiencies still exist., however, revised plans must be submitted no later than sixty (60) days after the original TRC meeting review. The plans shall be reviewed by the appropriate TRC members, with finding reported to the Planning and Zoning Board for their consideration. City staff for review prior to Planning and Zoning Board consideration.

A) *Planning and Zoning Board Action.*

The Planning and Zoning Board shall consider the development plans at a regularly scheduled meeting, and determine if they meet the requirements of the Land Development Code. The applicant or his authorized agent shall be present at the time of consideration by the Planning and Zoning Board. Upon consideration of the comments of the TRC and public, the Board 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 outstanding issues. No project shall be tabled more than once by the Planning and Zoning Board, in the presence of the applicant or his authorized agent.
- ii) Recommend that the proposed development plan be denied.
- iii) Recommend that the proposed development plan be approved.
- iv) Recommend that the proposed development plan be approved with conditions.

B) *City Commission Approval.*

The City Commission shall consider the development plans at a regularly scheduled meeting, and determine if theythe application and plans meet the requirements of the Land Development Code. Upon consideration of the comments of the TRC and public, and the recommendations of the Planning and Zoning Board, the City Commission shall take one of the following actions:

- i) Table the consideration of the proposed development plan to allow for the resolution of outstanding issues.

- ii) Deny the proposed development plan. If an application for a development order or permit is denied, written notice must be given to the applicant. The notice must include a citation to the applicable portions of an ordinance or other legal authority for the denial of the development order or permit.
- iii) Approve the proposed development plan.
- iv) Approve the proposed development plan with conditions. Revised plans reflecting conditions of the City Commission approval shall be submitted to the TRC within thirty (30) days of that approval. Plans shall be reviewed by the TRC within ten (10) business working ~~five (5) working~~ days of resubmittal to determine compliance with those conditions.
- v) Refer the proposed development plan back to the Planning and Zoning Board for further review and recommendation based on new or additional information or circumstances.
- vi) Within 120 days after City deems application complete, the City must approve, approve with conditions, or deny the application; or if the application requires final action through a quasi-judicial hearing or public hearing, then within 180 days after City deems application complete, the City must approve, approve with conditions, or deny the application.

v) Building permits are not included in this provision and there is no penalty provided for in the statute.

C) *Issuance of Development Order.*

The City Manager or designee shall issue a development order within five (5) ~~working~~ business working days of unconditional City Commission approval, or verification that City Commission conditions for approval have been met.

Issuance of the development permit or development order by the City of Fruitland Park does not create any right on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Fruitland Park for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violations of state or federal law.

All other applicable state or federal permits must be obtained before commencement of the development.

e) Failure to Provide Timely Plan Resubmission.

Failure to meet any of the resubmission deadlines cited above shall require the filing of a new application, including the appropriate review fees.

f) Extension of Resubmittal Deadlines.

The City Manager or designee may extend the deadlines cited above, when warranted by unforeseeable events. A request for extension must be filed in writing ~~with to~~ the City Manager or designee explaining the circumstances justifying the extension.

g) Site Plan Recording.

Upon approval of any site plan hereunder, a notice shall be filed in the public records of Lake County that the site encompassed by the approval may not be split or subdivided without express written approval by the City Commission of the City of Fruitland Park.

SECTION 160.050: TIME LIMITATIONS ON SITE PLAN APPROVAL.

All site plan approvals shall terminate and become null and void automatically without notice if construction has not commenced within twelve (12) calendar months from the date of approval.

a) Extensions of Site Plan Approval. Site Plan approval may be extended once upon approval by the City Commission for a period not to exceed twelve (12) calendar months. All requests for extensions must be in writing and must be submitted to the City Manager or designee prior to the expiration of the site plan.

1) The City Commission shall consider the following:

- A) The effect any delay in proposed project construction and completion has on the concurrency management system.
- B) The impacts of having any new and existing regulations applied to the project.

2) The City Commission may attach conditions to a site plan extension approval that further the intent and purpose or satisfy the requirements of any comprehensive plan policies or land development requirements. No

extensions may be granted unless the City Commission determines that an extension satisfies the applicable requirements of the concurrency regulations of Chapter 153 of the Land Development Code.

SECTION 160.060: **IMPROVEMENTS REQUIRED.**

All final site development plans for new construction shall provide improvements required in the Land Development Code and as outlined in this Chapter.

a) Completion of Improvements Prior to Issuance of Certificate of Occupancy.

A certificate of occupancy shall not be issued by the Building Department until required improvements have been inspected and accepted by the Department. An agreement and acceptable performance bond may be accepted for the completion of certain minor improvements where specifically outlined in the Land Development Code.

b) Adoption of Standard Construction Details.

All construction shall comply with the Standard Construction Details and development standards as adopted by the City Commission. Any deviation from adopted standards shall be clearly noted as such in all plans and specifications. If inadvertent deviations in plans are not so noted, adopted standards shall apply.

c) Improvement or Expansion of Existing Development.

All construction regardless of scope shall comply with the specific requirement of the Land Development Code relating to such construction. Final development plans for improvements or expansion of existing development may be exempt from certain requirements as outlined in the Land Development Code.

SECTION 160.070: **MINIMUM SITE IMPROVEMENTS.**

All site development plans shall reflect the installation of all improvements required in the Land Development Code, in a manner consistent with standards of the Land Development Code. Improvements include, but not limited to: -stormwater management systems, utilities, parking and loading areas, sidewalks, landscaping and buffering, and any other facility required by the Land Development Code.

a) Easements and Miscellaneous Dedications.

The following minimum number and size of easements or other dedications shall be reflected on the plan drawing, and shall be conveyed to the City prior- to issuance

of final approval or certificate of occupancy. Larger easements may be specifically required based on size, depth, or special maintenance requirements of a facility.

1) Drainage Facilities

A drainage easement shall be dedicated to the City where a proposed development is traversed by an existing or proposed watercourse, canal, ditch, storm sewer, or other **drainage way** that serves an **area wide** drainage function. Minimum size shall be as follows:

- A) Lake or retention areas shall be covered by an easement extending to ten (10) feet beyond the top of bank.
- B) Canals or ditches of over twenty-five (25) feet in width at the top of bank, or over four (4) feet in depth shall be covered by an easement extending to ten (10) feet beyond the top of bank on one side, and twenty (20) feet beyond the top of bank on the other side.
- C) Ditches smaller than described in (B) above shall be covered by a easement extending to ten (10) feet beyond the top of bank on both sides.
- D) Swales or any other facility with side slopes no greater than 4:1, shall be covered by an easement extending to the top of bank.
- E) Storm sewers shall be covered by an easement of no less than twenty (20) feet, centered on the centerline of the pipe.

2) Utilities.

A utility easement shall be dedicated to the City wherever a proposed publicly owned and maintained utility line or other facility is planned or located on or adjacent to any property not otherwise dedicated to or owned by the City. Minimum size shall be as follows:

- A) Potable water, sanitary sewer or reclaimed water lines shall be covered by an easement of no less than twenty (20) feet, centered on the centerline of the pipe. More width may be required for deeper pipes subject to review by City Manager or designee.
- B) Sewer lift stations shall be located in a minimum ~~thirty (30) foot square~~ forty (40) foot by forty (40) foot area located adjacent to and abutting a dedicated public road.

3) Conservation Easements.

A conservation easement shall be dedicated to the City as follows:

- A) Over all required tree preservation area, that are outside of required landscaped buffers.
- B) Over all wetlands, wetland buffers, and wetland mitigation areas, as required by Chapter 165.
- C) Over all areas of vegetative communities and/or wildlife habitats as required by Chapter 165 of the Land Development Code, if applicable.

SECTION 160.080: SITE DEVELOPMENT PLANS.

The approval process for site development plans is outlined in Section 160.040, Approval of Development Plans. Approval of the final site development plans results in the issuance of a development order.

a) Site Development Plan Exhibits.

The following information and documentation shall be shown on or enclosed with the plans submitted for approval. The plans shall be drawn at the largest scale feasible, based on the size of the project, however in no case shall ~~be the~~ scale be smaller than one (1) inch equal to fifty (50) feet. Site Development plans or any portion thereof involving engineering shall be certified by a professional engineer ~~[or architect for building on lots less than twenty thousand (20,000) square feet]~~ registered to practice that profession in the State of Florida.

1) General Information.

- A) Name of project.
- B) Statement of intended use of site.
- C) Legal description of the property and size of parcel in acres or square feet.
- D) Name, address and phone number of owner or owners of record.
- E) Name, address and phone number of owner's agent.
- F) Name, address, signature and registration of the professionals preparing the plan.
- G) Date, north arrow and scale shall be designated and, where appropriate, the same scale shall be used on all sheets.

- H) Vicinity map, showing relationship of proposed development to the surrounding streets and thoroughfares, shall be at a scale of not less than one inch equals two thousand feet (1" = 2,000').
- I) Linear dimensions of the site.
- J) Existing topography with a maximum of one (1) foot contour intervals for the proposed site.
- K) Finished grading elevation.
- L) All existing and proposed building restriction lines (i.e., highway setback lines, easements, covenants, rights-of-way and building setback lines).
- M) Percent of open space of site.
- N) Location of proposed signs.

2) *Building and Structure.*

- A) Intended use.
- B) Number of stories.
- C) Height of building.
- D) Number of dwelling units and density.
- E) Projected number of employees.
- F) [#For a](#) restaurant, show number of seats and occupancy load.
- G) Square footage for proposed development—Gross square footage, nonstorage area, square footage of each story, gross square footage of sales area, etc.
- H) Photograph or sketch of proposed sign with dimensions and material type.

3) *Street, sidewalks, driveways, parking areas and loading spaces.*

- A) Engineering plans and specifications for streets, sidewalks and driveways.
- B) All parking spaces designated.

- C) Number of parking spaces [provided, as well as required.](#)
- D) Number and location of handicapped spaces.
- E) Number of square feet of paved parking and driveway area.
- F) Surface materials of driveways.
- G) Cross-section of proposed street improvements.
- H) Fire lanes.
- I) Location of proposed driveway(s) and median cut(s).
- J) Internal traffic control circulation plan, including directional arrows and signs to direct traffic flow.
- K) Location of traffic-control signs and signalization devices.
- L) Designate location of sidewalks.
- M) All proposed streets and alleys.

4) Soils.

- A) Indicate soil classifications on the site plan as identified by the United States Department of Agriculture Soil Conservation Service (SCS) in the "Lake County Area Soil Survey." An applicant may provide a soils study. [A separate soil map may also be furnished to satisfy this requirement.](#)
- B) Soil analysis by a qualified soil engineer shall be furnished upon request of the City Manager or City Engineer.

5) Erosion Control.

Provisions for the adequate control of erosion and sediment, indicating the location and description of the methods to be utilized during and after all phases of clearing, grading and construction.

6) Limits of Floodplain.

[Indicate Special Flood Hazard Area delineation lines on plans if any portion of the property lies within one or more Special Flood Hazard Areas.](#) Indicate flood elevation for 100-year flood on the site plan, [if applicable.](#)

7) Proposed Water and Sewer Facilities.

A) *Water:* Size, material and location of water mains, plus valves and fire hydrants, fire flow calculations plus engineering plans and specifications.

B) *Sanitary Sewer System:* Size, material and location of lines, [valves, manholes, and lift station details](#) plus engineering plans and specifications, with submittal of a profile where required; or

Septic Tank: Size, location, size and location of drainfield and copy of HRS permit.

8) Solid Waste.

A) Location(s) and access provisions for refuse service, including pad screening, fencing and landscaping.

B) Verification from the City Manager, [or designee](#) that adequate capacity is available for solid waste.

9) Landscaping and Tree Protection.

A) Landscaping plan, irrigation system plan and provisions for maintenance, including size, type and location of all landscaping, screens, walls, fences and buffers per the requirements of Chapter 164 of the Land Development Code.

B) Recreation and open space areas, if applicable.

C) Tree survey per the requirements of Chapter 164 of the Land Development Code.

10) Environmental Protection.

A) Environmental assessment per the requirements of Chapter 165 of the Land Development Code, if applicable.

B) Conservation easements per the requirements of Chapter 165 of the Land Development Code, if applicable.

11) Concurrency Management.

A concurrency certificate or evidence of application for a certificate.

12) Construction Cost Estimate.

A construction cost estimate prepared by the engineer of record, of any proposed improvements to be maintained by the City.

13) Additional Data.

Any additional data, maps, plans or statements, as may be required, which is commensurate with the intent and purpose of the Land Development Code.

SECTION 160.090: ISSUANCE OF DEVELOPMENT PERMITS.

Once a development order has been issued, the developer may request the issuance of development permits. No final development permit shall be issued unless a "Certificate of Concurrency" has been obtained.

a) Clearing Permit.

A clearing permit shall be secured and clearing shall be completed prior to the issuance of any other development permit. No site clearing shall take place on any subject property to an approved site development plan except as provided below:

1) Application.

Application shall be made to the City Manager or designee on the form provided by the City. The application shall include:

- A) The name and location of the project.
- B) The name, address and phone number of the general contractor, surveyor and land clearing operator.
- C) Proof that all development order contingencies have been met. The receipt of certain agency permits may be waived by the City Manager, only if not relevant to the clearing process.
- D) ~~Three (3)~~ One (1) copy and one (1) electronic copies-copy of the approved composite utility plan and landscape plan sheets shall be attached.

2) Building Site Clearing Permit; Parking Area Clearing Permit.

A building site or parking area clearing permit shall be obtained from the City by an owner or developer prior to the cutting of trees or further removal of any vegetation within the previously approved and staked out site. This permit shall be issued only after an authorized representative of the City has inspected the site to verify that no unauthorized clearing has taken place, and

to ascertain whether field modification of the plan is justified in order to enhance tree preservation of the site. This permit will allow removal of the trees and vegetation within the previously approved staked out building site, including approved access to the proposed building location. — This permit generally allows clearing of the area ten

(10) feet outside the actual building wall, except for those trees or areas specifically delineated on the approved site plan or by the City after field inspection. Unless specifically authorized on this permit, no filling or excavation on the site shall take place until the final inspection of previously permitted clearing has been completed and such work is found to be in compliance with the provisions of City ordinances and permit requirements and conditions.

3) Phasing of Clearing Process.

On those large projects, where feasible, clearing for additional buildings or parking areas may be permitted as a second phase of development, whereupon a second complete permitting process shall be required. Those areas not covered under the initial permit shall be clearing delineated or barricaded so as to prohibit any disturbance or use of the area.

4) Final Inspection.

After all proposed clearing has been completed, and all required tree and soil preservation measures have been implemented, an authorized representative of the City shall make a final inspection to verify that all work has been completed in compliance with the permit and the Land Development Code. If all work has been satisfactorily completed, a building permit may be issued. While the Land Development Code shall not be construed so as to preclude the review and approval of building plans, no building permit shall be issued until the terms of the Land Development Code have been met.

b) Preconstruction Submittals.

The following exhibits or documents shall be submitted to the City prior to holding a preconstruction meeting for the issuance of development permits after clearing:

- 1) Proof that all development order contingencies have been met, if applicable.
- 2) Copies of all contracts for the construction of any public improvements.
- 3) Copies of Certificates of Insurance for all site improvement contractors providing Workman's Compensation as required by law. Contractors for construction of public improvements shall also provide comprehensive

liability insurance covering bodily injury, death and property damage with limits of not less than \$100,000 per person and \$300,000 per occurrence, with the City listed as an additional insured and held harmless.

- 4) Copies of all applicable federal, state, regional and county agency permits for construction.
- 5) Plans for management of traffic and dewatering activities, if applicable.
- 6) Construction schedule.
- 7) ~~Seven (7) copies of~~ One (1) copy and one (1) electronic copy of the approved development plans, signed and sealed by the engineer of record.

c) Preconstruction Meeting.

The requirements of this Section may be modified by the City Manager or designee in cases where size, scope or relative lack of complexity of development plans suggests a lesser need for coordination.

1) Attendance.

Upon request of the developer, the City shall schedule a preconstruction meeting to be attended by the following individuals or their representatives:

- A) The ~~developer, property owner if not the developer, developer~~ and the developer's engineer(s) and surveyor(s).
- B) All contractors, including subcontractors for the construction of site improvements and the general contractor for building improvements.
- C) All franchised utility companies affected by the proposed construction.
- D) TRC members and appropriate City inspectors.

It shall be the responsibility of the developer to notify all of the above parties of the meeting, except for City employees.

2) Agenda.

The meeting shall include discussion of the construction schedule, procedures for inspection and testing, coordination with the City and utility companies, traffic maintenance, dewatering, access for construction, stockpiling areas and other details deemed necessary to assure safe construction in compliance with

the Land Development Code and with minimum disturbance to surrounding areas.

d) Issuance of Development Permits.

1) Site Improvements

Upon receipt of all required documents and completion of the preconstruction meeting, the Department shall issue a development permit for site improvements. The development permit is issued contingent upon compliance with the development order. In addition, the Department may attach procedural contingencies on construction based on the discussion at the preconstruction meeting.

2) Building Improvements.

Development permits for building improvement may be issued after compliance with the requirements of Chapter 161 of the Land Development Code.

SECTION 160.100: INSPECTIONS AND ACCEPTANCE.

Inspection and acceptance of building improvements shall be outlined in Chapter 161 of the Land Development Code. The following procedures shall apply to site improvements, and the overall acceptance for issuance of a certificate of occupancy.

a) Inspections.

The City shall inspect construction for conformance with the terms of the development permits. The City shall have the authority to reject materials or suspend work when construction is not in conformity with the terms of the development permit. The developer shall notify the City of the commencement of major phases of construction as discussed in the preconstruction meeting.

b) Testing.

The developer shall provide laboratory test to verify specifications of materials as required by the Standard Construction Details of the Land Development Code. The City reserves the right to require additional testing based on unusual circumstances encountered in the field.

c) Request for Final Inspection.

Final inspection of site improvements shall be scheduled no more than five (5) ~~working business~~ days after receipt of the following information, unless a later date is requested by the developer:

1) *Certification of Completion by the Engineer of Record.*

Upon completion of the public improvements, the developer's engineer shall submit a certificate stating that the work was constructed under his supervision, and has been completed in substantial conformance with the approved development plans and in compliance with the requirements of the Land Development Code.

2) *As-built Drawings.*

One (1) mylar reproducible copy and ~~ten (10) copies~~ one (1) electronic copy of as-built drawings, signed and sealed by the engineer of record and surveyor.

3) *Testing Reports.*

Copies of all required testing reports shall be submitted.

d) Final Inspection Report.

A final inspection report will be issued noting any discrepancies from the development permit, corrective actions required and any re-inspection fee **billable at current contractual rate or set fee** required. In addition, the report shall review final documentation required for acceptance and issuance of a certificate of occupancy, once any necessary corrections are made.

e) Re-Inspection.

Re-inspection may be requested at any time, subject to remittance of a re-inspection fee, when required. Re-inspection will be scheduled within five (5) business ~~three (3) working~~ days, and an inspection report issued, if necessary.

f) Acceptance of Site Improvements and Issuance of Certificate of Occupancy.

Upon completion of any corrective actions required upon inspection, site improvements shall be accepted by the City upon receipt of the following:

- 1) All required certifications of completion under Federal, State, Regional and County agency permits.
- 2) Improvement warranty in the amount of twenty-five percent (25%) of the cost of construction on any facility to be owned or maintained by the City or other public agency. The improvement warranty period shall commence on the date of issuance of the certificate of occupancy of the attendant structure.
- 3) Construction guarantee in the amount of one hundred ten percent (110%) of the estimated construction cost of any uncompleted improvement, where allowed by the Land Development Code.
- 4) Recording of any additional on or off-site easements required by the development permit or the Land Development Code.

Certificate of occupancy shall be issued upon acceptance of site improvements and compliance with the requirements of Chapter 161 of the Land Development Code.

CHAPTER 161 BUILDING

~~AND FIRE CODES~~

SECTION 161.010: BUILDING CODES.

a) In General.

The adopted building codes regulate construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal, demolition, or renovation of any building, structure, or appurtenance and any related mechanical, plumbing, or electrical device or system, within the City.

b) Adopted Building Codes.

b) The latest edition of the Florida Building Code as adopted pursuant to F.S. 553.73(1)(a).

~~The following building codes are adopted:~~

~~Standard Building Code, 1988 edition, as amended, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama, with the exception of Appendix N.~~

~~Standard Mechanical Code, 1988 edition, as amended, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.~~

~~Standard Plumbing Code, 1988 edition, as amended, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.~~

~~Standard Gas Code, 1988 edition, as amended, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.~~

~~Standard Housing Code, 1988 edition, as amended, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.~~

~~Standard Swimming Pool Code, 1985 edition, as amended, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama, with one amendment as follows:~~

~~Delete Section 304.1 in its entirety and replace it with the following: All design, construction and workmanship for public pools shall be in conformity with the "Minimum Standards for Public Swimming Pools," dated April 1, 1977; and private pools shall be in conformity with the "Standard for Residential Swimming Pools," dated November 1987. Both standards are published by the National Spa and Pool Institute, Alexandria, Virginia. Engineered designs having the seal and signature of a relevant licensed engineer may be accepted in lieu of conforming to these standards.~~

~~CABO One and Two Family Dwelling Code, 1986 edition, as amended, with 1987 and 1988 amendments and one other amendment, as follows:~~

~~Revise Section R-202 by adding Subsection R-202.7 as follows: R-202.7—Hurricane Load. All masonry buildings and masonry accessory structures shall be designed to resist hurricane loads and wind loads specified in Table R-202 by complying with Appendix D-102 of the Standard Building Code, 1988 edition, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama.~~

~~National Electrical Code, 1990 edition, as amended, published by the National Fire Protection Association, Quincy, Massachusetts, effective November 1, 1990, with five amendments as follows:~~

~~*Aluminum and Copper-Clad Aluminum Conductors.*~~

~~The minimum size of any aluminum or copper-clad aluminum electrical conductor used for the purpose of bonding, grounding or carrying lighting or power current shall be AWG 1. This requirement shall not apply to manufactured housing units certified under the State of Florida third party inspection statutes, or to listed and approved appliances, machinery, equipment and assemblies.~~

~~*Conductor Protection; Raceways.*~~

~~All buildings, additions and other structures shall have all electrical conductors used for the purpose of carrying lighting or power current over fifty (50) volts AC installed in a listed and approved raceway. This requirement shall not apply to single and two-family dwellings or their accessory structures.~~

~~*Electric Service Entrance Conductors—Supply Side.*~~

~~All service entrance conductors shall be installed in a listed and approved raceway from the point of connection with the utility company's conductors all the way to the meter enclosure.~~

~~*Electric Service Entrance Conductors—Load Side.*~~

~~All service entrance conductors shall be installed in a listed and approved raceway from the meter enclosure to the service disconnecting means. The total length of such service entrance conductors measured from the point of entry into the building to the service disconnecting means shall be no longer than five feet unless protected by an overcurrent device.~~

~~*Electric Service—Rating of Disconnect.*~~

~~The service disconnecting means shall have a rating of not less than one hundred fifty (150) amps for any single or two-family dwelling, or less than one hundred (100) amps for any dwelling unit in a multi-family building. This requirement shall not apply to hotel or motel rooms.~~

~~Florida Sanitary Code of the Division of Health of the Department of Health and Rehabilitative Service published pursuant to Section 381.031, Florida Statutes, as amended.~~

~~Accessibility of Handicapped Persons, Chapter 553, Part V, Florida Statutes, as amended.~~

~~Fruitland Park Energy Efficient Building Code, as amended.~~

~~**SECTION 161.020: FIRE CODES:**~~

~~a) In General:~~

~~Adopted Fire Codes for the reasonable protection of life and property from the hazards of fire and explosion due to storage, use of handling of hazardous materials, substances and devices, and from conditions hazardous to life or property in the use or occupancy of buildings and premises.~~

~~b) Adoption of National Fire Protection Code:~~

~~The National Fire Protection Association (NFPA) Pamphlet 1, 1985 Edition, as published by the National Fire Protection Association and as amended thereafter and hereafter is hereby adopted ordained as the Fire Code for the City.~~

~~c) Adoption of Life Safety Code:~~

~~The National Fire Protection Association (NFPA) 101, Life Safety Code, 1985 Edition, as published by the National Fire Protection Association, and as amended thereafter, and hereafter adopted and ordained as the Life Safety Code for the City.~~

Weather Radios

~~The City of Fruitland Park recognizes that the City has adopted the Standard Building Code, Standard Mechanical Code, the Standard Plumbing Code, the Standard Gas Code, and the Standard Housing Code, and construction within the City is subject to the provisions of those codes. Accordingly, the City of Fruitland Park acknowledges that the requirements contained herein shall not, in any way conflict with the provisions contained in such codes; rather, the requirements herein are enacted in accordance with ant to reinforce the goals, objectives, and polices of such codes (2007-009)~~

~~Pursuant to its Home Rule Authority granted in Florida Statutes 166.021, the City of Fruitland Park hereby requires that all owners or builders of new residential and non-residential structures equip such structures with a Public Alert Certified Weather Radio prior to City's issuance of a certificate of occupancy. (2007-009)~~

~~Any individual or entity remodeling or renovating a structure in a manner that alters the footprint of the structure shall be required to equip the structure with a Public Alert Certified Weather Radio. (2007-009)~~

SECTION 161.030: **~~BUILDING PLANS AND PERMITS: Warranty and Liability.~~**

~~The provisions of this Section relate to the construction and fire safety codes for development. It shall be the duty of the Building Official to enforce this Chapter.~~

~~a.) The permitting plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. This jurisdiction, its employees or agents shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.~~

Section 161.035: Powers and Duties of the Building Official

~~a.) The building official is hereby authorized and directed to enforce the provisions of the Florida Building Code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the Florida Building Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided in the Florida Building Code.~~

~~a.) **Requirements not covered by code.** Any requirements necessary for strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or other technical codes, shall be determined by the building official.~~

~~b.) Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612.~~

~~c.) **Notices and orders.** The building official shall issue all necessary notices or orders to ensure compliance with this code.~~

~~d.) **Inspections.** The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.~~

~~e.) **Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a~~

reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

f.) **Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

g.)

h.)

SECTION 161.040: PERMIT REQUIRED.

~~No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Official. Please refer to chapter 1 of the Florida Building Code.~~

SECTION 161.050: PERMIT APPLICATION.

a) Application Documents.

Application for building and building related permits shall be submitted to the Building Official or designee. Such submittal shall include the application form as provided by the City, together with all required associated documents and fees depending upon the type of permit being sought as further described below:

1) Building Permit.

~~Applications for constructing new buildings and additions to existing buildings shall include two (2) complete sets of construction plans, one (1) certified property survey for the subject property, and one (1) site development plan showing the proposed improvements to the property.~~

~~Exceptions: The site development plan may be omitted if the proposed improvement is completely interior to an existing structure and does not alter any exterior dimensions of any improvement on the site. permits shall be in accordance with the written policies of the Community Development Department.~~

Electrical, Plumbing and Mechanical Permit.

~~Applications for work which is regulated by any of the adopted codes, other than the Building Code, shall include two (2) complete sets of plans showing the proposed work in sufficient detail and clarity to allow for a thorough plan examination to determine compliance with all applicable Code provisions.~~

~~*Exceptions:* The plans may be omitted upon determination by the Building Official that the work is relatively minor in scope, routine in nature, and can be adequately described on the application without any additional documents.~~

~~Applicant's Credentials.~~

~~Each applicant for any permit shall be properly licensed and insured in accordance with current State of Florida laws and regulations and shall have a current, valid Lake County Contractor Registration card.~~

~~*Exception:* An owner-builder who meets all the criteria established by law as determined by the City, provided that an Unlicensed Contractor Affidavit is sworn to by such owner-builder and witnessed by a Notary Public.~~

Receiving Permit Applications.

~~When any permit application is submitted to the Building Official, the application and the applicant's credentials shall be verified to ensure that they are complete and are accompanied by all required information and documents. Once the application and the applicant's credentials shall be verified to ensure that they are complete and are accompanied by all required information and documents. Once the application and the applicant's credentials have been verified, the application and all accompanying documents shall be stamped with the date. The Building Official shall not accept any applications from any person who does not have the proper credentials, nor shall the Building Official accept any application which is not complete or has any required information or document omitted. In the event the application is found to be incomplete, the Building Official shall promptly contact the applicant and assure that the application is completed, or shall return the application to the applicant.~~

Approving Application Documents.

Disapproval.

~~If the Building Official determines that the documents are not in compliance with all applicable codes and regulations then he shall inform the applicant of the reason for disapproval, and shall maintain an ongoing dialogue with the applicant to facilitate a resolution of the problem.~~

Approval.

~~If the Building Official determines that the documents are in compliance with all application codes and regulations and there is no need for a preliminary inspection of the subject property to be conducted, the Building Official shall promptly issue the permit.~~

Issuance of Permit.

~~Upon approval from the Building Official, the applicant shall be contacted by the City and requested that the permit be picked up and the final fees be paid.~~

SECTION 161.060: BUILDING PERMIT.

a) License to Proceed.

A permit is simply a license to proceed with the proposed work, and grants no authority to violate, cancel, alter, or set aside any applicable code, regulation, requirement, ordinance or law, regardless of what may be shown or omitted on the permit documents, and regardless of any agreement with any official.

Time Limits.

~~The work authorized by a permit shall be commenced within six (6) months after its issuance or the permit shall become null and void. If the work described in any building permit has not been substantially completed within one (1) year of the date of issuance thereof, said permit shall become null and~~

~~void and written notice thereof shall be given to the persons affected, together with notice that further work is described in the voided permit shall not proceed unless and until a new building permit has been issued. If a contractor or individual has an uncompleted project for which a permit has been previously issued and upon which work has not proceeded diligently, at the expiration of one (1) year's duration, he shall not be issued a permit for any new construction or alteration until such uncompleted project is properly finished.~~

b) Fees.

All building permit fees and related fees shall be paid in accordance with the current fee ordinance adopted by the City Commission.

~~Posting Permit on Job Site.~~

~~No work requiring a permit shall commence until the issued permit placard is conspicuously posted on the job site in such manner and location that affords it protection from the weather and allows the inspector to conveniently make written entries. If the placard is lost or destroyed, a duplicate replacement shall be secured from the City on the first workday after such loss.~~

SECTION 161.070: INSPECTIONS.

a) Preliminary Inspection.

Before a permit is issued, the Building Official may examine any building for which an application has been received for a permit to enlarge, alter, repair, move, demolish or change of occupancy.

~~Required Inspections.~~

~~Upon notice from the contractor of record (permit holder), the following inspections shall be conducted:~~

~~Electric Service.~~

~~This inspection shall be conducted after the temporary or permanent service equipment is in place, with the meter socket open, main disconnect installed, grounding installed, bracing in place and any non-weathertight equipment protected from rain.~~

~~Footer.~~

~~This inspection shall be conducted after the site is excavated with the trenches open, forms in place and reinforcement secured.~~

~~First Rough Plumbing and Electric.~~

~~This inspection shall be conducted after the under slab plumbing piping and electrical raceways are in place, with the piping exposed at all joints, drains holding a ten (10) foot water head, and distribution piping holding water at street pressure or air at fifty (50) p.s.i.~~

~~Slab Inspection.~~

~~This inspection shall be conducted after the excavation is back filled, compacted, and treated for pest control, with the vapor barrier in place, slab reinforcement in place, and any necessary form work in place.~~

~~Framing Inspection or Rough Structural Inspection.~~

~~This inspection shall be conducted after the structural members are erected and secured, with wind load ties installed, all bracing installed, firestops in place, sub-sheathing attached, and any work that will be covered or concealed prior to the next inspection, installed.~~

~~Electrical Second Rough Inspection.~~

~~This inspection shall be conducted after all wiring, raceways, equipment, and device boxes that will be covered or concealed prior to the next inspection, is installed.~~

~~Plumbing Second Rough Inspection.~~

~~This inspection shall be conducted after all piping, vents, valves, fixtures and anything that will be covered or concealed prior to the next inspection, is installed.~~

~~Mechanical Rough Inspection.~~

~~This inspection shall be conducted after all duct work, fire dampers, equipment and anything that will be covered or concealed prior to the next inspection, is installed.~~

~~Final Inspection.~~

~~This inspection shall be conducted after the electric, water and sewer utilities are hooked up, heating and cooling system is functioning, all code required items are installed, grading is finished, landscaping is completed, driveways and sidewalks are installed, the property is cleared of all construction debris and waste, temporary toilet is removed, temporary electric pole is taken down, house numbers are visible from the street, any City agreements, conditions or restrictions are complied with, and all fees are paid in full.~~

d) Combination Inspections.

The framing, electrical second rough, plumbing second rough and mechanical second rough inspections shall be combined into a combination inspection, whenever possible.

~~SECTION 161.080: CERTIFICATE OF OCCUPANCY.~~

~~Building Occupancy.~~

~~No new building or addition shall be used or occupied in whole or in part, nor shall there be any change of occupancy, change in use, or change in nature of a use, until after the Building Official issues an appropriate certificate of occupancy.~~

~~Contents of Certificate of Occupancy.~~

~~A certificate of occupancy shall contain the recognized street address of the subject property, the common name of the property, if any, the nature of the occupancy, the number of occupants permitted, and the maximum floor loading when it is limited.~~

SECTION 161.090: FLOOD DAMAGE PREVENTION.

Section 1 ADMINISTRATION

A. GENERAL

1. Title. These regulations shall be known as the Floodplain Management Ordinance of the City of Fruitland Park, hereinafter referred to as "this ordinance."
2. Scope. The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land, filling, grading and other site improvements and utility installations, construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings, installation or replacement of tanks, placement of recreational vehicles, installation of swimming pools, and any other development.
3. Intent. The purposes of this ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
 1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 5. Minimize damage to public and private facilities and utilities;
 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal

Regulations, Section 59.22.

4. Coordination with the Florida Building Code. This ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
5. Warning. The degree of flood protection required by this ordinance and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations. Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this.
6. Disclaimer of Liability. This ordinance shall not create liability on the part of the City Commission of the City of Fruitland Park or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION B. APPLICABILITY

1. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
2. Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within the City of Fruitland Park, as established in Section 8(3) of this ordinance.
3. Basis for establishing flood hazard areas. The Flood Insurance Study for Lake County, Florida and Incorporated Areas dated December 18, 2012, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of Fruitland Park City Hall, located at 506 W. Berckman Street, Fruitland Park, Florida 34731.
 - a. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section E of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
 1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the

- requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
 4. Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.
 5. Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.
 6. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:
 1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION C. DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

1. Designation. The City Manager is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
2. General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section G of this ordinance.
3. Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
 1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
 3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries: a person contesting the determination shall have the opportunity to appeal the interpretation;
 4. Provide available flood elevation and flood hazard information;

5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 6. Review applications to determine whether proposed development will be reasonably safe from flooding;
 7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
 8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.
4. Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ordinance is required.
5. Modifications of the strict application of the requirements of the Florida Building Code. The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section G of this ordinance.
6. Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.
7. Inspections. The Floodplain Administrator shall make the required inspections as specified in Section F of this ordinance for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt

from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

8. Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section C(4) of this ordinance;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by this ordinance and the Florida Building Code to determine that such certifications and documentations are complete; and
5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Fruitland Park are modified.

9. Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the City of Fruitland Park City Hall, at 506 W. Berckman Street, Fruitland Park, Florida 34731.

SECTION D. PERMITS

1. Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s)

and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

2. Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

a. Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ordinance:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

3. Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted

- by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
 4. Be accompanied by a site plan or construction documents as specified in Section E of this ordinance.
 5. State the valuation of the proposed work.
 6. Be signed by the applicant or the applicant's authorized agent.
 7. Give such other data and information as required by the Floodplain Administrator.
4. Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
5. Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences.
- Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.
6. Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.
7. Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
1. The St. Johns River Water Management District; section 373.036, F.S.
 2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
 3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
 4. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
 5. Federal permits and approvals.
8. Building permits issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

SECTION E. SITE PLANS AND CONSTRUCTION DOCUMENTS

1. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:
 1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
 2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 1(E)(2) or Section 1(E)(3) of this ordinance.
 3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section (1)(E)(2)(1) of this ordinance.
 4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
 5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 7. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

2. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:
 1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
 2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
 3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering

- practices; or
- b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
3. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section E(4) of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section E(4) of this ordinance.
4. Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION F. INSPECTIONS

1. General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

a. Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

b. Buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

i. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section (1)E(2)(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

ii. Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade: such certifications and documentations shall be prepared as specified in Section F(1)(B)(i) of this ordinance.

iii. Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

SECTION G. VARIANCES AND APPEALS

Flood hazard areas. Pursuant to section 553.73(5), F.S. the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the

Florida Building Code. Building.

1. General. The City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the City Commission shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.
2. Appeals. The City Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the City Commission may appeal such decision to the Circuit Court, as provided by Florida Statutes.
3. Limitations on authority to grant variances. The City Commission shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section G(6) of this ordinance, the conditions of issuance set forth in Section G(7) of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The City Commission has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.
 - a. Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section E(3) of this ordinance.
4. Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code. Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
5. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section G(3)(a), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and
6. Considerations for issuance of variances. In reviewing requests for variances, the City Commission shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, and the following:
 1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

7. Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
2. Determination by the City Commission that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable: increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION H. VIOLATIONS

1. Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.
2. Authority. For development that is not within the scope of the Florida Building Code but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
3. Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law .

Section 2: DEFINITIONS

A. GENERAL

1. Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.
2. Terms defined in the Florida Building Code. Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
3. Terms not defined. Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

B. DEFINITIONS

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, 81 Section 1612.2.]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC. 81 Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year: or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, 81 Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before September 5, 1984. [Also defined in FBC, B, Section 1612.2]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before September 5, 1984.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code. Existing Building, Chapter 12 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, 81 Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101. F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 5, 1984 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 5, 1984.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in [section 320.01, F.S.](#)]

Recreational vehicle. A vehicle, including a park trailer, which is: [See [section 320.01, F.S.](#)]

1. Built on a single chassis:
2. Four hundred (400) square feet or less when measured at the largest horizontal projection:
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or

seasonal use.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, 81 Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Section 3 FLOOD RESISTANT DEVELOPMENT

A. BUILDINGS AND STRUCTURES

1. Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to Section 104.2.1 of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 3(G) of this ordinance.

B. SUBDIVISIONS

1. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards: in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

2. Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 1(E)(2)(1) of this ordinance; and
3. Compliance with the site improvement and utilities requirements of Section 3(C) of this ordinance.

SECTION C. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

1. Minimum requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to

- minimize or eliminate flood damage: and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
 2. Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
 3. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
 4. Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section (1)(E)(3)(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
 5. Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

SECTION D. MANUFACTURED HOMES

1. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.
2. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this ordinance. Foundations for manufactured homes subject to Section 3(D)(4)(b) of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
3. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This

anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

4. Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 3(D)(4)(a) or 3(D)(4)(b) of this ordinance, as applicable.

a. General elevation requirement. Unless subject to the requirements of Section 3(1)(4)(b) of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

b. Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section (3)(D)(4)(a) of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or

2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

5. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 for such enclosed areas.

6. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

SECTION E. RECREATIONAL VEHICLES AND PARK TRAILERS

1. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or

2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick- disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

2. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 3(E)(1) of this ordinance for temporary placement shall meet the requirements of Section 3(D) of this ordinance for manufactured homes.

SECTION F. TANKS

1. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
2. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 3(F)(3) of this ordinance shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
3. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
4. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood: and
 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

SECTION G. OTHER DEVELOPMENT

1. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the Florida Building Code, shall:
 1. Be located and constructed to minimize flood damage:
 2. Meet the limitations of Section 3(C)(4) of this ordinance if located in a regulated floodway:
 3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood:
 4. Be constructed of flood damage-resistant materials: and
 5. Have mechanical, plumbing, and electrical systems above the design flood elevation, or meet the requirements of ASCE 24, except that minimum electric service required to address life -safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

2. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 3(C)(4) of this ordinance.
3. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 3(C)(4) of this ordinance.
4. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 3(C)(4) of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 1(E)(3)(3) of this ordinance.

SECTION 161.220: SPECIFIC STANDARDS.

a) Requirements.

In all areas of special flood hazard where base flood elevation data has been provided, the following provisions are required:

1) Residential Construction.

New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation.

2) Nonresidential Construction.

New construction or substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated no lower than two (2) feet above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood-proofed so that all areas of the structure below the required elevation is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this section are satisfied.

3) Mobile Homes.

Expansions to existing mobile home parks and subdivisions, existing mobile home parks and subdivision where the repair, reconstruction, or improvement has commenced; and mobile homes not placed in a mobile home park or subdivision require:

A) Stands or lots to be elevated on compacted fill or on pilings so that

the lowest floor of the mobile home will be elevated no less than two (2) feet above the base flood level;

- B) Adequate surface drainage and access for a hauler be provided; and
- C) In the instance of elevation on pilings: lots be large enough to permit steps; piling foundations be placed in stable soil no more than ten (10) feet apart; and reinforcement be provided for pilings more than six (6) feet above the ground level.

CHAPTER 162

TRANSPORTATION STANDARDS

SECTION 162.010: PURPOSE AND INTENT.

The purpose and intent of this Chapter is to ensure effective, efficient and safe design of motorized and non-motorized transportation facilities in accordance with the criteria adopted in the Comprehensive Plan. The following specifies criteria for all development as stated herein. This chapter is intended to serve the following purposes:

- a) Maintain functional roadway capacity and travel speeds by requiring traffic analyses for new development to determine the need for transportation improvements;
- b) Promote safe and well-designed traffic patterns and enhance functional roadway capacity by maintaining standards for access control;
- c) Provide adequate parking and loading spaces for specific uses within the City;
- d) Establish design standards for traffic areas which promote safe and logical traffic patterns;
- e) Provide for construction of bike paths and sidewalks to maintain safe bicycle and pedestrian movements and to encourage alternative modes of transportation; and
- f) Establish right-of-way widths and protection of rights-of-way within the City network.

SECTION 162.020: GENERAL PROVISIONS.

- a) Traffic Analysis Required.

New development proposed within the City shall be required to provide a traffic analysis in accordance with the requirements for concurrency review in Chapter 153 of the Land Development Code.

- b) Transportation Improvements Required

- 1) Turn Lanes.

Turn lanes consist of left turn lanes and right turn lanes (deceleration lanes). Turn lanes shall be installed on the road which is being accessed at the proposed entrance(s) to the development, as deemed necessary by the City Manager or designee. The City Manager or designee may also require turn lanes at adjacent or nearby intersections in lieu of, or in addition to, turn lanes at the development entrances.

Conditions which are to be considered in determining the need for turn lanes include the following:

- A) If the property accessing the road is projected to generate ~~five hundred (500) or more vehicle trips per day, or~~ fifty (50) vehicle trips in any peak hour; Residential projects of 25 or more lots or units shall provide turn lanes;
- B) If a traffic analysis indicates that turn lanes would be necessary to maintain capacity on fronting roads and/or on adjacent or nearby intersections;
- C) If entrances are proposed at locations where grade, topography or other unusual conditions, including traffic, indicate that turn lanes would be needed for traffic safety.
- ↔D) Speed limits of road being accessed or departing from.

The need for turn lanes to accommodate right turn movements and left turn movements shall be based upon anticipated traffic distribution and projected turning movement volumes among other considerations, including traffic safety.

c) Major Driveway—Signalized.

Any major drive requiring a traffic signal shall conform to those warrants specified in the Manual of Uniform Traffic Control Devices (MUTCD) in addition to the following minimum requirements:

- 1) The installation of any traffic signal shall be subject to the approval of the appropriate jurisdiction responsible for the roadway upon which the signal is to be installed.
- 2) Deceleration lanes shall be constructed if required by the City Engineer.

d) Traffic Control Signs.

Traffic control signs shall be provided on-site and off-site in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

e) Pavement Markings.

Pavement markings shall be provided in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

f) Classification of Streets.

For purposes of the Land Development Code, streets shall be classified as they are identified for Future Functional Classification in the Comprehensive Plan. The City Commission may, by subsequent resolution(s), designate, identify, and/or classify certain streets or roads as being arterial, major collector, minor collector or local.

SECTION 162.030: ACCESS CONTROL.

a) In General.

The following regulations are designed to promote the safety of vehicular and pedestrian traffic, minimize traffic congestion, promote roadside aesthetics and enhance the functional capacity of roads and highways in the City of Fruitland Park. These regulations shall be in addition to those imposed by the Florida Department of Transportation (Rule Chapters 14-96 and 14-97, F.A.C., as amended) and Lake County (Ordinance 1991-13) on roads under their jurisdiction. A pre-application with the City Manager or designee is recommended to determine the regulations applicable to a particular development.

When proposed projects will front on City streets, the City may require the use of joint driveways and/or cross-access easements in order to minimize the number and maximize the spacing of access connections.

b) Cross-Access Easements.

Whenever cross-access corridors, coordinated or joint parking designs are provided to accomplish access management, each applicant for development approval shall provide such easements or agreements as may be necessary to ensure that adjoining properties shall be appropriately connected in order to implement a unified system allowing general cross-access to and from the other properties in the affected area. Such easements or agreements shall be recorded in the Public Records of Lake County and shall constitute a covenant running with the land.

c) Distance between Access Point and Property Line.

The minimum distance between the nearest edge of an access drive and any property line without a cross-access easement shall be as follows:

Driveways for residential land uses shall be at least ~~five feet~~ one foot (51') from property line or as ~~specified by the City Manager~~ specified in variance issued by the City Commission pursuant to Chapter 168. A driveway apron shall be provided pursuant to Chapter 157;

Driveways for non-residential land uses shall be at least twenty feet (20') from property line or as specified ~~by the City Manager~~ in variance issued by the City Commission pursuant to Chapter 168; and

Driveways connecting to State or County roads shall be as specified by the appropriate jurisdictional agency access management regulations.

d) Width and Radii of Access Drives.

Width of two-way driveway access and radii shall be within the dimensions specified below. Actual width and radii shall be based on a) classification of the roadway; b) number of entrances to the parcel; and c) expected traffic demand, including truck traffic.

<u>ACCESS DRIVE</u>	<u>WIDTH</u>		<u>RADIUS</u>	
	<u>MIN</u>	<u>MAX</u>	<u>MIN</u>	<u>MAX</u>
Residential	10'	24'	5'	10'
Commercial	20' <u>24'</u>	30'	20' <u>35'</u>	35' <u>50'</u>
Industrial	24'	35'	25' <u>35'</u>	40' <u>50'</u>

Where one way turning motions are dictated, reverse radii with a 2.5 foot radius bullnose shall be provided.

SECTION 162.040: PARKING.

a) ~~a)~~ General Provisions.

1) ~~1)~~ Off-Street Parking Required.

Off street parking facilities shall be provided for all development within the City pursuant to the requirements of the Land Development Code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve.

2) ~~2)~~ Computation.

A) ~~A)~~ Number of Spaces.

When the number of off-street spaces required by the Land Development Code results in a fractional space, the fraction of one-half (1/2) or less may be disregarded, and a fraction in excess of one-half (1/2) shall be counted as one (1) parking space.

B) Places of Public Assembly.

i) ~~i)~~ **Fixed Seats and Assembly Areas.**

In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

ii) **Benches.**

In Stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each twenty (20) inches of seating facilities shall be counted as one seat.

iii) **Square Feet.**

Unless otherwise stated herein, square feet shall be defined as gross floor area. Gross floor area shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

b) Required Off Street Parking Spaces.

1) ~~1)~~ Minimum Requirements.

The matrix below specifies the required minimum number of off-street motor vehicle and bicycle parking spaces, the percentage of motor vehicle spaces that must be allotted for compact vehicles, and in the notes, any special requirements that may apply.

2) ~~2)~~ Uses Not Listed.

The number of parking spaces required for uses not listed in the matrix shall be determined by the City based upon information provided by the applicant. Applicable information shall include requirements for similar uses and appropriate traffic engineering and planning data, and shall establish a minimum number of parking spaces based upon the principles of the Land Development Code.

3) ~~3)~~ Multiple Uses.

Where a combination of uses is proposed for development, parking shall be provided for each of the uses as prescribed by the matrix, unless reduction is granted pursuant to Section 162.040(d) of this Chapter.

4) Matrix.

RESIDENTIAL		
<i>USE</i>	<i>MINIMUM OFF STREET PARKING</i>	<i>REQUIRED BICYCLE SPACES</i>
SINGLE FAMILY DETACHED/ ATTACHED (DUPLEX)	1,2 and 3 bedrooms: 2 spaces/unit (a)(b) 4+ bedrooms: 3 spaces/unit (a)	0
MULTI-FAMILY Resident Parking	Studio: 1 space/unit 1 bedroom: 1.5 spaces/unit 2,3 or more bedrooms: 2 spaces/unit	.10 per required parking space
MULTI-FAMILY Visitor Parking	.25 spaces/unit	0

NOTES:

- (a) If on-street parking is not permitted or is restricted on the unit's street frontage, then one visitor parking space shall be required. The visitor space shall be located not more than one hundred (100) feet from the unit's street frontage.

COMMERCIAL		
<i>USE</i>	<i>MINIMUM OFF STREET PARKING</i>	<i>REQUIRED BICYCLE SPACES</i>
USES LOCATED IN SHOPPING CENTERS (a)	1 space/250 square feet	.10 per required parking space
FREESTANDING COMMERCIAL AND SERVICE USES	1 space/300 square feet	.10 per required parking space
AUTO WASH (Attendant Service)	1 space/wash lane plus 2 spaces for fuel operation	0
BANK Main Office	1 space/200 square feet	.10 per required parking space
BANK Branch Office	1 space/100 square feet	.10 per required parking space
CONVENIENCE STORE WITH OR WITHOUT FUEL OPERATIONS	1 space/200 square feet	6
RETAIL: GROCERY AND DRUG	1 space/200 square feet	.10 per required parking space
<u>HOTEL/MOTEL</u>	<u>1 space/bedroom + .10 per employee</u>	<u>0</u>
RETAIL: HOME BUILDING SUPPLY	1 space/250 square feet of gross floor area for retail sales plus 1 space/1,000 square feet of area devoted to bulk storage of building and landscaping materials	0

COMMERCIAL		
<i>USE</i>	<i>MINIMUM OFF STREET PARKING</i>	<i>REQUIRED BICYCLE SPACES</i>
RETAIL: NURSERIES AND GARDEN SUPPLY	See Retail Home Building Supply Above	0
RETAIL: VIDEO RENTALS	1 space/250 square feet	.25 per required parking space
<u>RESTAURANT</u>	<u>1 space/3 seats, + 1 space/each 2 employees</u>	<u>.10 per required parking space</u>
<u>MOTOR VEHICLE REPAIR FACILITY</u>	<u>1 SPACE/SERVICE BAY</u>	<u>0</u>
<u>MOTOR VEHICLE SERVICE CENTER: QUICK OIL CHANGE</u>	<u>2 SPACES/SERVICE BAY</u>	<u>0</u>
<u>MOTOR VEHICLE SALES</u>	<u>1 SPACE/1,000 SQ. FT. INSIDE SHOWROOM PLUS 1 SPACE/3,000 SQ. FT. OF OUTDOOR AREA</u>	<u>0</u>
NOTES:		
(a) Required parking in shopping centers shall be 1 space/250 square feet of area, excluding movie theaters, grocery stores, drug stores, convenience stores and health/exercise clubs. The required parking for these uses within shopping centers shall be as stated for each use herein.		
OFFICE		
OFFICE AND FINANCIAL SERVICES	1 space/200 square feet of gross leasable area	.10 per required parking space
OFFICE: MEDICAL OFFICE/CLINIC, VETERINARY CLINIC	1 space/180 square feet of gross leasable area	.10 per required parking space
INSTITUTIONAL		

CHILD CARE CENTER	1 space/state required staff person plus 1 space/5 children or 1 space/10 children if adequate drop off facilities are provided (a)	0
HOUSES OF WORSHIP, FUNERAL HOMES AND CULTURAL FACILITIES	1 space/3 seats within the main area or, if there are no fixed seats, 1 space/30 square feet of gross floor area within the main auditorium	.05 per required parking space

INSTITUTIONAL		
<i>USE</i>	<i>MINIMUM OFF STREET PARKING</i>	<i>REQUIRED BICYCLE SPACES</i>
LIBRARY	1 space/300 square feet of public area	.20 per required parking space
COMMUNITY CENTER, RECREATION CENTER AND OPEN FLOOR AREA USES	1 space/100 square feet of public area	.20 per required parking space
NURSING HOME/ <u>ASSISTED LIVING FACILITY</u>	1 space/employee on largest shift plus 1 space/2 beds	0
<p>NOTES:</p> <p>(a) Drop-off facilities shall be designed to accommodate a continuous flow of passenger vehicles to load and unload children safely. The adequacy of drop-off facilities proposed shall be determined by the City based on traffic safety principles and the stacking lane requirements of this Chapter.</p>		
EDUCATIONAL		
ADULT/VOCATIONAL EDUCATION	1 space/staff member plus 1 space/2 adult students	.10 per required parking space
ELEMENTARY AND MIDDLE SCHOOLS	1 space/staff member plus 1 space/3 seats in largest assembly	.50 per required parking space
SENIOR HIGH SCHOOLS	1 space/staff member plus 1 space/3 students	.10 per required parking space

INDUSTRIAL		
<i>USE</i>	<i>MINIMUM OFF STREET PARKING</i>	<i>REQUIRED BICYCLE SPACES</i>
MANUFACTURING	1 space/600 square feet of gross floor area devoted to manufacturing plus the required parking for square footage devoted to other uses	0
MINI-WAREHOUSES	1 space/ 10 cubicles <u>50 units</u> plus continuous loading spaces clear of through traffic access plus 2 spaces/if resident manager living quarters are provided	0
WAREHOUSES: COMMERCIAL/ INDUSTRIAL DEAD STORAGE	1 space/4000 square feet	0
WAREHOUSES: CONSTRUCTION AND CONTRACTORS YARDS AND STORAGE	1 space/1000 square feet	0
ENTERTAINMENT AND RECREATION		
BARS, LOUNGES AND NIGHTCLUBS	1 space/3 seats plus 1 space/employee on largest shift	0
BOWLING ALLEYS AND POOL HALLS	4 spaces/alley plus 2 spaces/pool tables plus required parking for other uses on the site	.20 per required parking space
COMMERCIAL STABLES	1 space/5 horses boarded on site	0
GOLF: DRIVING RANGE	1 space/tee plus required parking for any other uses on site	0
GOLF: MINIATURE	3 spaces/hole plus required parking for any other uses on site	.10 per required parking space

ENTERTAINMENT AND RECREATION		
<i>USE</i>	<i>MINIMUM OFF STREET PARKING</i>	<i>REQUIRED BICYCLE SPACES</i>
GOLF: REGULATION	6 spaces/hole plus required parking for any other uses on site	0
HEALTH/EXERCISE CLUBS	1 space/100 square feet of public floor area (swimming pool shall be counted as floor area)	.20 per required parking space
MARINAS	1 space/boat slip plus 10 boat trailer spaces/boat ramp plus required parking for any other uses on site	0
MOVIE THEATERS	1 space/3 seats plus 5 spaces for employees	.10 per required parking space
SKATING RINKS	1 space/100 square feet of public floor area	.20 per required parking space
TENNIS, HANDBALL AND RACQUETBALL FACILITIES	3 spaces/court plus required parking for any other uses on site	.20 per required parking space
VIDEO ARCADES, GAMEROOMS	1 space/200 square feet	.20 per required parking space

a) Special Parking Spaces.

1) Parking for Handicapped Persons.

Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design and location of these spaces shall be consistent with the requirements of the applicable Florida Statutes, or succeeding provisions. Parking spaces required for the handicapped may be counted as parking spaces in determining compliance with this Chapter. All spaces for the handicapped shall be paved.

2) Bicycle Parking.

Bicycle racks or other acceptable bicycle parking devices shall:

- A) Be designed to allow each bicycle to be supported by its frame.
- B) Be designed to allow the frame and wheels of each bicycle to be secured against theft.
- C) Be anchored to resist removal and solidly constructed to resist damage by rust, corrosion and vandalism.
- D) Be located to prevent damage to bicycle by cars.
- E) Be located in convenient, highly-visible, active, well-lighted areas.
- F) Be located so as not to interfere with pedestrian movements.
- G) Be located as near the principal entrance of the building as practical.
- H) Provide safe access from the spaces to the right-of-way or bikeway.

d) Adjustments to Requirements.

1) Vehicle Parking Deferral.

- A) To avoid requiring more parking spaces than actually needed to serve a development, the City may defer the provision of some portion of the off-street parking spaces required by this code if previous experience within the City for such a use or information supplied by the developer suggests that the required number of parking spaces may not be necessary. In such a case, the developer shall provide a deferred parking plan in accordance with Section 162.040(d)(1)(B) below.
- B) A deferred parking plan:
 - i) Shall be designed to contain sufficient space to meet the full parking requirements of the Land Development Code, shall illustrate the layout for the full number of parking spaces, and shall designate which are to be deferred.
 - ii) Shall not assign deferred spaces to areas required for landscaping, transition zones, setbacks, or areas that would otherwise be unsuitable for parking spaces because of physical characteristic of the land or other requirements of the Land Development Code.
 - iii) Shall include a landscaping plan for the deferred parking area.
 - iv) Shall include a written agreement with the City that, one (1) year from the date of issuance of the certificate of occupancy,

the deferred spaces will be converted to parking spaces that conform to the Land Development Code at the developer's expense should the City determine from experience that the additional parking spaces are needed.

v) Shall include a written agreement that the developer shall incur the expense of a traffic study to be undertaken by a registered transportation engineer to determine the advisability of providing the full parking requirement should the City determine from experience that the additional parking spaces are needed.

C) When authorized by the City upon a preliminary finding that the parking is inadequate, but not sooner than one (1) year after the date of issuance of the certificate of occupancy for the development, the City shall request a study to determine the need of providing the full parking requirement to satisfy the proven demand for parking as discussed in Section 162.040(d)(1)(B)(v) above.

D) Based upon the study and the recommendations of the transportation engineer and the City Manager, the City shall determine if the deferred spaces shall be converted to operable parking spaces by the developer or retained as deferred parking area.

E) The developer may at any time request that the City approve a revised development plan to allow converting the deferred spaces to operable parking spaces.

2) *Bicycle Parking Deferral.*

The City may authorize deferral of required bicycle parking spaces when the nature of the use, information supplied by the developer or previous experience for similar uses in the city suggests that the bicycle parking is not necessary. The developer shall note on the development plan the number and location of spaces to be deferred, and an obligation to provide the bicycle parking when its need has been determined by the City. Deferred bicycle parking spaces shall comply with requirements of the Land Development Code at the time of installation.

3) *Reduction for Mixed or Joint Use of Parking Spaces.*

The City may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use may be approved if the following conditions are met:

A) The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.

- B) The developer submits a legal instrument approved by the City Attorney guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of the Land Development Code.
- C) The structures and facilities provided for one or both of the uses are specialized to the degree that no change in use resulting in greater parking demand could take place without expensive reconstruction necessitating a development permit and development plan review.
- D) If the properties are under separate ownership and control, a written easement and agreement shall be recorded at the applicant's expense, specifying the conditions of such joint use. This agreement shall be approved by the City Attorney.

SECTION 162.050: LOADING.

a) General Provisions.

Spaces to accommodate off-street loading of business vehicles shall be provided as required below:

REQUIRED LOADING SPACES		
<i>LAND USE</i>	<i>SQUARE FOOTAGE OF FLOOR AREA</i>	<i>NUMBER OF SPACES</i>
AUDITORIUMS, GYMNASIUMS, STADIUMS, THEATERS AND OTHER BUILDINGS FOR PUBLIC ASSEMBLY	10,000 – 50,000	1
	50,001 – 100,000	2
	Over 100,000	3
CONVENIENCE STORES & RESTAURANTS	0 to total floor area	1
HOTELS, MOTELS, AND OTHER SIMILAR USES	30,000 – 60,000	1
	Each additional 30,000 or fraction thereof	1
INDUSTRIAL, MANUFACTURING AND WAREHOUSE USES	3,000 – 15,000	1
	15,001 – 30,000	2
	Each additional 15,000 or fraction thereof	1
MULTI-FAMILY USES	50,000 in one building for each building	1
OFFICES AND FINANCIAL INSTITUTIONS	10,000 – 30,000	1
	30,001 – 60,000	2
	Each additional 30,000 or fraction thereof	1
RETAIL COMMERCIAL, SERVICE AND COMMERCIAL ENTERTAINMENT USES	5,000 – 10,000	1
	10,001 – 30,000	2
	Each additional 20,000 or fraction thereof	1
SCHOOLS, HOSPITALS, NURSING HOMES AND OTHER SIMILAR INSTITUTIONAL USES	10,000 – 50,000	1
	Each additional 50,000 or fraction thereof	1

SECTION 162.060: DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS.

a) Location.

- 1) Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same panel.
- 2) The City may approve a special exception for off-site parking facilities as part of the parking required by the Land Development Code if:
 - A) The location of the off-site parking spaces will adequately serve the use for which it is intended. The following factors shall be considered:
 - i) Hazards to pedestrians.
 - ii) Ease of pedestrian access to the off-site parking spaces.
 - iii) Whether off-site parking spaces are compatible with the use intended to be served, e.g., off-site parking is not ordinarily compatible with high turnover uses such as retail.
 - B) The location of off-site parking spaces will not create unreasonable:
 - i) Hazards to pedestrians.
 - ii) Hazards to vehicular traffic.
 - iii) Traffic congestion.
 - iv) Interference with access to other parking spaces in the vicinity.
 - v) Detriment to any nearby use.
 - C) The developer supplies a written agreement or attaches off-site parking by deed to the parcel to which such parking is designed to serve, approved in form by the City Attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
- 3) All parking spaces required by the Land Development Code for residential uses should be located no further than the following distances from the units they serve:

Resident parking:	200 feet
Visitor parking:	250 feet

Distances shall be measured from the dwelling unit's entry to the parking space. Where a stairway or elevator provides access to dwelling units, the

stairway or elevator shall be considered to be the entrance to the dwelling unit. For purposes of measuring these distances, each required parking space shall be assigned to a specific unit on the development plan, whether or not the developer will actually assign spaces for the exclusive use of the specific unit.

(4) A) Dimensions Size.

A) Parking Spaces.

- a A standard parking space shall be ten (10) feet wide and twenty (20) feet long.
- b Parallel parking spaces shall be a minimum of ten (10) feet wide and twenty-two (22) feet long.
- c A standard motorcycle parking space shall be a minimum of five (5) feet wide and eight (8) feet long.
- d Spaces for handicapped parking shall be the size specified by the applicable Florida Statutes.

e A compact parking space shall be nine (9) feet wide and eighteen (18) feet long.

B) *Loading Spaces.*

The standard off-street loading space shall be twelve (12) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress. The City may require the length of one or more of the loading spaces to be increased up to fifty-five (55) feet in full-length tractor trailers are anticipated to be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.

C) *Layout.*

i) **General Requirements.**

- a Pedestrian and bicyclist circulation facilities, roadways, driveways and off-street parking and loading areas shall be designed to be safe and convenient.
- b Parking and loading areas, isles, pedestrian walks, bikeways, landscaping and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.
- c Buildings, parking and loading areas, landscaping and open space shall be designed so that pedestrians moving from

parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.

^d Each off-street parking space shall open directly onto an aisle or driveway that, except for single family and two family residences, is not a public street.

^e Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single family or two family residence or townhouse with an attached garage shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the City based on the size and accessibility of the driveway.

^f The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.

^g Parking spaces for all uses, except single family and two family residences and townhouse units with attached garages, shall be designed to permit entry and exit without moving any other motor vehicles.

^h No parking space shall be located so as to block access by emergency vehicles.

ⁱ ~~Grouped Compact~~ parking spaces shall be distributed evenly throughout the parking area to the greatest extent possible.

^j Compact parking spaces shall be a maximum of 25% the total number of parking spaces.

^k No designated off-street parking or loading space or drive shall be located within ten (10) feet of any multi-family structure or within three (3) feet of any other building or structure which such vehicular facility is intended to serve.

^l Dead end aisles with adjoining parking spaces shall have an extension of the aisle a minimum of five (5) feet beyond the last space to provide for vehicular maneuvering.

ii) **Reduction Dimensions.**

~~The following table and illustration prescribe the required minimum dimensions of all parking spaces.~~

Reductions in required width and length may be permitted under the following conditions. —Such reductions shall be utilized to reduce pavement area, preserve significant trees or

vegetation or increase landscaped areas. The unpaved area resulting from such reductions shall not be credited towards required vehicular use landscaping or be included within required buffers.

^a *REDUCED WIDTH.*

An unlimited number of spaces may be approved to be reduced to nine (9) feet wide to increase internal landscaped area above the minimums specified by the Land Development Code, and to preserve existing specimen trees.

^b *REDUCED LENGTH.*

Designers are encouraged to reduce paved areas by reducing the length of standard parking spaces to eighteen (18) feet of pavement with two (2) feet of ~~grassed~~ overhang area. Continuous curbing or wheel stops shall be used at the end of the eighteen (18) foot dimension.

D) *Grass Parking.*

Designers are encouraged to provide grassed overflow parking areas where the number of spaces desired is greater than the Code minimums. Additionally, those uses that anticipate less parking demand than the Code minimum requires may utilize grassed overflow parking areas for up to twenty-five (25) percent of the requirements for general office, commercial, and industrial uses, and up to fifty (50) percent for recreational or institutional uses with weekly or less frequent peak demand. The provision for grassed parking to satisfy minimum parking requirements shall comply with the following standards:

- i) Grassed parking shall be shown on the development plan. Stormwater, landscaping, buffer, setback and other applicable provisions of the Land Development Code shall be complied with as though the area was being paved.
- ii) No grassed parking area shall be established within any required open space or landscape area, and no such area shall be credited toward required buffers and landscaping.
- iii) Spaces shall be delineated in some manner, such as use of railroad ties or wheel stops.
- iv) Grass may be substituted with cypress mulch, bark, gravel or other similar material provided such material is a minimum of two (2) inches deep, placed upon porous weed barrier and effectively contained within a border of concrete, railroad ties, or other rigid material.

- v) If grassed parking areas utilized to satisfy the minimum number of parking spaces are regularly used so as to become rutted, uneven, unable to drain properly, unsightly or unmaintained, the City may require that the area be paved as specified in this Chapter.

E) *Access to Loading Spaces.*

- i) Each required loading space shall be accessible to street, service drive, or alley in a manner that will not interfere with the movement of vehicles passing the loading space.
- ii) No loading space shall be located so that a vehicle must back onto a public street or extend into any street right-of-way while being loaded or unloaded.

F) *Surfacing.*

i) ***In General.***

All parking and loading spaces, drives, access, aisles and other means of vehicular access required under the Land Development Code shall be graded and paved in accordance with the specifications described in Standard Paving and Drainage Details of the City of Fruitland Park, except as otherwise permitted.

ii) ***Alternative Surfaces.***

^a The City may allow specified parking spaces or areas to be surfaced with paver blocks, aggregate concrete, or other semi-impervious material in order to reduce adverse impacts to existing vegetation and trees shown to be preserved on a development plan.

^b The City may allow grass parking in accordance with provisions of Section 162.060(a)(3)(D) above.

^c The City may allow alternative surfaces such as brick, decorative block, or other material for decorative purposes provided such materials are determined to be acceptable substitute by the Department.

G) *Curbing, Wheel Stops and Speed Bumps.*

- i) Curbing, wheel stops, barriers to protect sidewalks, walls, fences or landscaped areas to prevent parking or loading where not permitted, ~~may~~ shall be provided in accordance with the Code except for parking areas for single family or two family dwellings.

- ii) Wheel stops shall be installed at least ~~thirty-~~ twenty-four (3024) inches to allow for two feet (2') overhang from an adjacent sidewalk, fence, wall or hedge, if required. The stops shall be of the standard concrete curb, or other appurtenance or design feature that keeps a vehicle from obstructing a sidewalk or making contact with a wall, hedge, or fence. A sidewalk adjacent to a building may be used for vehicle overhang if the sidewalk is not less than seven (7) feet wide.
- iii) Speed bumps or other devices which create a hazardous break in the level surface of a roadway or drive shall not be permitted within the City.

H) *Marking.*

- i) Designated parking and loading spaces shall be marked on the surface of the parking space with paint or permanent marking material in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), and maintained in a clear and visible condition.

I) *Directional Arrows.*

In parking facilities containing twenty (20) spaces or more, all aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows and lines to expedite traffic movement in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).

J) *Signs.*

The City may require a developer to install signs in addition to directional arrows and consistent with sign regulations in this code and the Manual of Uniform Traffic Control Devices (MUTCD) to ensure the safe and efficient flow of vehicles, both on-site and off-site as warranted.

K) *Landscaping.*

All off-street parking and loading areas shall be landscaped in accordance with the landscaping and tree protection regulations in the Land Development Code.

L) *Lighting.*

Parking lots of twenty (20) spaces or more that are to be used after dark shall be lighted. The lighting shall not shine directly upon any adjacent residence or street, and shall not produce excessive glare. Lighting to be maximum of 0.5 foot candle at property line. Lighting to be dark sky compliant.

SECTION 162.070: REQUIRED STACKING AREA FOR DRIVE THROUGH FACILITIES.

All commercial and office uses utilizing drive through facilities shall provide vehicle stacking area based on the following criteria:

a) Size of Space.

Stacking area shall be designed on a ten (10) foot by twenty-two (22) foot space per required vehicle.

b) Design of Stacking Area.

The stacking area required below shall be designed so as to operate independently of other required parking and circulation areas. The required number of vehicle spaces shall include the vehicle served.

REQUIRED STACKING AREA	
<i>LAND USE</i>	<i>NUMBER OF SPACES</i>
FINANCIAL INSTITUTIONS	5 spaces per service lane
RESTAURANT	6 spaces per service lane with a minimum of 3 spaces behind the order station or menu
UTILITY BUSINESS OFFICE	8 spaces per service lane
AUTO WASH (SELF SERVICE)	3 spaces per service lane
AUTO WASH (ATTENDANT SERVICE OR DRIVE THROUGH AUTOMATIC SERVICE)	8 spaces per service lane
SERVICE STATIONS (GASOLINE, QUICK LUBE, AND OTHER DRIVE THROUGH FACILITIES)	3 spaces per service lane
ALL OTHER DRIVE THROUGH FACILITIES	3 spaces per service lane

SECTION 162.080: PEDESTRIAN/BICYCLE ACCESS.

a) In General.

All new development shall be required to provide for [ADA compliant](#) pedestrian/bicycle access in accordance with this Section. Such access shall be separate from general vehicular traffic and directed to provide safe access to bicycle parking areas, main entrances and other appropriate focal points.

1) Location.

All new development shall construct the following when required by the City:

- A) Sidewalks which would logically extend and connect to an existing sidewalk.
- B) Sidewalks to connect new development with existing or proposed sidewalks or bikeways within the right-of-way when the total required number of parking spaces for the development exceeds thirty-five (35).
- C) Complete internal sidewalk systems within multi-family developments which connect buildings, parking areas and common facilities.
- D) Sidewalks which separate parking areas from buildings, and provide safe pedestrian access from parking areas to buildings.
- E) Sidewalks required as part of any subdivision, site or planned development approval.
- F) Sidewalks in adjacent rights-of-way.

Further, in addition to the sidewalks set forth above which may be required by the City, all new development shall provide for, as a minimum, sidewalks on both sides of all roads which are part of any subdivision in the following manner:

- G) A sidewalk shall be constructed upon the portion of the right-of-way abutting any lot upon which construction has commenced prior to the issuance of a certificate of occupancy for the structure being constructed.
- H) Upon the issuance of a building permit for construction upon a lot in a subdivision, which lot would cause the total number of lots in the subdivision upon which construction has either been commenced or completed to equal or exceed eighty percent (80%) of the total number of lots platted, the developer of the subdivision or the owner or owners of the remaining lots upon which no construction has commenced shall immediately cause sidewalks to be constructed upon the portion of the right-of-way abutting those remaining lots upon which no construction has commenced. Construction of these remaining sidewalks shall commence no later than thirty (30) days following notice by the City that such construction is required, and shall be completed within ninety (90) days of commencement.

2) Specifications.

The minimum specifications for sidewalks shall be in accordance with the Standard Paving and Drainage Details of the City of Fruitland Park and be ADA compliant.

b) Design of Bikeways and Sidewalks.

Bikeways should be designed to take advantage of natural areas and provide a visually pleasurable route by meandering around and through natural undisturbed areas, landscape buffers and man-made landscape features. The minimum radius of any curve in the layout of a bikeway shall be twenty-five (25) feet.

SECTION 162.090: ROADWAYS.

a) In General.

The following Section describes the City’s program for ensuring an effective, efficient and attractive roadway network. All new development shall be required to comply with these regulations as applicable in order to promote the purposes and determinations stated herein.

b) Right-of-Way.

Following are generalized right-of-way width requirements for new development within the City:

ROAD CLASSIFICATION	WIDTH
Rural Arterial	100 200 feet
Major Collector	80 100 feet
Minor Collector	66 80 feet
Local	50 feet

These are generalized width requirements and may have to be increased, at the request of the appropriate jurisdiction, if the proposed project fronts on a State or County road.

c) Additional Right-of-Way.

A proposed subdivision or site plan that abuts or encompasses an existing public road that does not conform to the minimum right-of-way requirements shall provide for the dedication of additional right-of-way along either one (1) or both sides of said road to meet the minimum right-of-way required by these regulations.

If the proposed subdivision abuts only one (1) side of said road, then a minimum of one-half of the required right-of-way shall be dedicated or reserved by such subdivision or site plan.

CHAPTER 163

SIGN REGULATIONS

SECTION 163.010: PURPOSE AND INTENT:

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

- a) Protect and maintain the visual integrity of roadway corridors within the City by establishing a maximum amount of signage on any one site to reduce visual clutter;
- b) Provide for signage which satisfies the needs of the local business community for visibility, identification, and communication;
- c) Foster civic pride and community spirit by maximizing the positive impact of development;
- d) Establish procedures for removal of nonconforming signs, enforcement of these regulations, maintenance of existing signs and consideration of variances and appeals;
- e) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- f) Foster the integration of signage with architectural and landscape designs.

SECTION 163.020: SIGN PERMITS:

- a) Permit Required.

Except as otherwise provided in these regulations, it shall be unlawful for any person to erect, construct, structurally modify, replace, enlarge, move or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit and paying the permit fee for each such sign as required by this chapter. No permit shall be issued until the City Manager or designee determines that such work is in accordance with the requirements contained in this chapter, and the City Manager or designee determines that such work will not violate any building, electrical, or other adopted codes of the City.

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

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

- 1) Work which may be performed by a property owner or lessee:
 - i) Painting the face of any freestanding sign or wall sign;
 - ii) Installation or attachment of any individual letters, which does not require electrical service or structural modification of the surface or wall to which such letters are being attached; or
 - iii) Construction and erection of any freestanding sign with a height of less than six (6) feet, which is non-illuminated.

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

c) Application for Permit:

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

- 1) Name, address, and telephone number of owner(s) of the property together with proof ownership;
- 2) Name, address, and telephone number of licensed contractor ~~contractor~~ or manufacturer erecting the sign;
- 3) The name, address, telephone number, and registration number of the engineer, if Florida Building Code requires engineered plans based on the type of sign;
- 4) The street address or legal description of the property upon which the proposed sign is to be located;

- 5) The zoning district, the building frontage of tenant space, and the road frontage of the premises, if applicable;
- 6) Owner and Applicant Affidavits, his lessee or agent, to erect the proposed sign;
- 7) The height, size, shape, style, materials and location of the proposed sign;
- 8) Electronic or original hard copy plan, specifications, ~~calculations~~calculations, and details, signed and sealed by an engineer licensed in Florida, specifications documenting the applicable wind load, and electrical specifications, if applicable, meeting the minimum requirements of the applicable electric code. Additional copies must be submitted if required by the Florida Building Code;
- 9) A fully dimensioned and scaled site plan showing the lot frontage, building frontage, parking areas, and location of all existing and proposed signs;
- 10) Indicate in feet and inches the location of the sign in relation to property lines, public right-of-way, easements, buildings, and other signs on the property;
- 11) Sign illumination, specifying illumination type, placement, intensity, and hours of illumination, if applicable; and
- 12) Any and all other information reasonably requested by the City Manager or designee.

d) Issuance of Permit:

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

e) Permit Fees:

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

[Sponsors who participate in a community event may be exempt from permit fees related to banner \(signage\) once reviewed by City Manger](#)

f) Expiration of Permit:

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

SECTION 163.030: EXEMPT SIGNS:

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

- a) Flags displayed on a flag pole 20' in height or less on residential properties provided the pole is placed a distance equal to its height from all adjacent property boundary lines, including the front property boundary line. Additionally, flags mounted on the exterior of a residential unit housing flag pole mounting brackets commonly used to affix to a flag to the interior or school classrooms or exterior of a residence are exempt;
- b) Flags meeting the following criteria shall be allowed:
 - 1) Residential – Flags displayed not exceeding a maximum height of 25 feet, and which do not exceed 2 in number for every 50 feet of frontage of a residential parcel, provided they meet the above criteria (a);
 - 2) Non-residential – Flags displayed not exceeding a maximum height of 60 feet, and which do not exceed 1 in number for every 50 feet of frontage of a non-residential parcel;
 - 3) ~~All flags must be spaced a safe distance from another flag as determined by the Community Development Department;~~
- c) Signs or temporary signs less than 48 square feet which are also exempt from the Florida Building Code;
- d) Signs and traffic control devices that are constructed, placed or maintained by the State of Florida, the federal government, Lake County, or the City of Fruitland Park, or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights ("Government Signs"). Government signs are not intended to be regulated by this chapter; however, to provide clarification, Government Signs are allowed in every zoning district which forms the expression of government when placed or maintained pursuant to law;
- e) Illuminated awnings allowed under Section 163.080 of this chapter, which do not display copy or signage of any type;
- f) Umbrella signs

SECTION 163.040: PROHIBITED SIGNS:

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

- 1) Signs that violate and Building Code or Electrical Code adopted by the City.
- 2) Any sign that, in the reasonable opinion of the City, constitutes a traffic or pedestrian safety hazard, or obstructs visibility.
 - a) Sign Spinners.
 - b) Hot Air Balloon Signs.
- 3) Signs that incorporate projected images, or emit any sound that is intended to attract attention, or involve the use of live animals.
- 4) Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- 5) Signs or sign structures that interfere in any way with free use of any fire escape, and emergency exit; made of combustible materials that are attached to or in close proximity to fire escapes or fire fighting equipment; or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of the City of Fruitland Park Land Development Code or other ordinance of the City.
- 6) Signs that resemble any official sign or marker erected by any governmental agency, or that by reason or position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.
- 7) Signs within ten (10) feet of public right-of-way or one hundred (100) feet of traffic control lights, that contain red or green lights that might be confused with traffic control lights.
- 8) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- 9) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any public sidewalk or public street, except house numbers and traffic control signs.
- 10) Sign displaying copy that is harmful to minors as defined by Florida Statute 847.013.
- 11) Abandoned signs as defined in Chapter 151, "Definitions and Interpretations".
- 12) "A" frame and portable signs except as permitted under Section 163.070.
- 13) Wall wrap or building wrap signs.
- 14) Snipe signs.
- 15) Animated signs.

- 16) Wind signs, except temporary special event signs permitted pursuant to this Sign Code.
- 17) Signs in or upon any lake, or other body of water within the limits of the City, other than emergency, warning or safety signs as otherwise allowable under this Sign Code, or required by State or Federal Law.
- 18) Any feather or flutter flag.
- 19) Signs attached to docks or seawalls, other than emergency, warning or safety signs as otherwise allowable under this Sign Code, or required by State or Federal Law.
- 20) Roof signs.
- 21) Signs placed on a vehicle with a total sign area on any vehicle in excess of ten (10) square feet, where the vehicle is not "regularly used in the conduct of business" and:
- a) Is visible from a street right-of-way within one hundred (100) feet of the vehicle, and;
 - b) Is parked for more than six (6) consecutive hours in any twenty-four (24) hour period within one hundred (100) feet of any street right-of-way.
 - c) A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily (i) for advertising, or (ii) for the purpose of advertising. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal hours of business and which is currently licensed, insured, and operable; provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on such vehicle primarily for the purpose of advertising a business establishment or firm, or calling attention to the location of a business establishment or firm.
- 22) Window signs which obscure more than 25% of the transparent area of any window.
- 23) Permanent signs on undeveloped vacant property.
- 24) Flashing, scintillating, beacon or running lights or movement or which gives the visual impression of such flashing, scintillation, or movement shall not be allowed.
- 22) Hot Air Ballons.

SECTION 163.050: NON-CONFORMING SIGNS

- a) Intent.

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

b) Continuance of Non-Conformities:

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

- 1) Non-conforming signs may remain in place ~~for a period of two (2) years from the adoption of this ordinance~~ so long as they are not a danger or pose a potential for danger to the public and remain in good repair; and
- 2) All non-conforming signs are to be maintained in a manner in which they do not endanger the public;
- 3) Signs located on property annexed into the City that are non-conforming can remain in place for a period of not more than ~~two (2)~~ one and one-half (1.5) years from the adoption of the annexation ordinance provided that the signs are consistent with this section;
- ~~4) At the adoption of this ordinance the City will inventory all the existing signs to determine the status as either conforming or of non-conforming signs and issue a free sign permit;~~
- ~~5)4) There may be a change of tenancy or ownership of a non-conforming sign without the loss of non-conforming status, if the property is not abandoned as defined in this Chapter of the City of Fruitland Park Land Development Code;~~
- ~~6)5) Use of a non-conforming sign (s) shall terminate upon any change in use and shall be required to comply with the provisions of these regulations;~~
- ~~7)6) Non-conforming signs shall not be enlarged or increased in any way from its lawful size at the time of the adoption of the Land Development Code.~~

c) Repairs, Maintenance and Improvements:

- ~~1) Normal repairs, maintenance and improvements may be made. However, the cost of such improvements made during any two (2) year period shall not exceed twenty-five (25) percent of the replacement cost of the sign.~~
- ~~2) Any repair or modification of a sign that exceeds fifty percent (50%) of the value of the sign in its preexisting state shall require conformance to the provisions of this chapter. Changes in advertising message are not considered a change that would terminate legally existing non-conforming status rights. For electronic signs, this provision applies to structural components only and does not apply to LED components.~~

3) Use of a non-conforming sign(s) shall terminate upon any change in use and shall be required to comply with the provisions of these regulations.

d) Reconstruction after Catastrophe Damage:

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

e) Casual, Temporary, or Illegal Use:

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

A sign not legally permitted prior to the adoption of the Land Development Code shall not be considered a non-conforming sign.

SECTION 163.060: CONSTRUCTION AND MAINTENANCE STANDARDS

a) General Standards

- 1) When calculating total copy area for a parcel, only one side of a sign shall be counted.
- 2) The width of the base of all monument signs shall be at least one-half the width of the sign face.
- 3) The base shall be finished in brick, stucco, finished metal, textured masonry or similar materials.

b) Design Requirements.

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

- 1) All signs shall be designed to withstand wind pressure as specified in the latest edition of the Florida Building Code.
- 2) The materials, finishes and colors of the freestanding monument sign base shall match the architectural design of the building. In lieu of a monument base, any combination of landscaping of sufficient density and maturity at the time of planting may be used to achieve the space opacity as would have been achieved with the monument base.

3) All panels in any freestanding signs, including those added to existing sign structures, shall be constructed of the same materials and illuminated by the same method. Panels added to existing signs shall match the existing panels with respect to their color, materials, and illumination.

c) Landscaping-

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

d) Maintenance-

1) All signs, including signs that are exempt from permitting under Section 163.030, together with their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the City, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten (10) feet shall be neatly -trimmed and free of unsightly weeds, and no rubbish or debris shall be permitted under or near the sign, with the exception of undeveloped land that is not routinely maintained.

2) All permitted signs will be kept in a manner similar to original design and construction to include proper lighting, façade appearance, kept in working condition, and subject to design standards.

SECTION 163.070: STANDARDS BY ZONES-

a) Signs in Residential Zoning Districts (R-2, R-4, ~~RPUD~~).

1) Permanent Signs-

i) Maximum size shall be 4 square feet.

ii) Maximum height shall be 2 ~~square~~-feet.

iii) Not exceeding one (1) in number for each street frontage of a residential parcel.

iv) Signs may be illuminated internally or externally, however the source of the externally illuminated signs shall not shine, glare, or adversely impact adjacent properties or roadways. ~~Light shall not shine directly on or into residential structures. A licensed engineer must certify that the light emitted from the sign will not cause any adverse-affectsadverse effects to operators of vehicles on adjacent roadways.~~

A) Illumination of any sign located as to be visible from any street or thoroughfare shall not exceed .3 foot-candles above ambient lighting conditions at any point along the paving or ~~curb.~~

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

vi) In addition to signs specified in this section, the following signs are prohibited on property with a designated zoning of R-2, R-4, and RPUD districts:

- a) Billboard signs.
- b) Projecting signs.
- c) Wall signs.
- d) Window signs.
- e) Electronic message board signs.

2) Temporary Signs:

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

- i) Structure tie-down pursuant to wind loads in the Building Code.
- ii) No external electrical illumination is allowed.
- iii) No more than three (3) such signs shall be permitted for each street frontage of a residential parcel.
- iv) Signs shall be maintained in a legible condition.
- v) Shall not be erected ~~in~~ excess of a total of one hundred fifty (150) days in a calendar year (all temporary signs collectively if displayed on different days).
- vi) One (1) non-illuminated sign no larger than four (4) square feet for a residential parcel may be maintained when an owner consents and the residential parcel is being offered for sale.
- vii) Properties with more than five hundred (500) feet of street frontage may have more than one (1) sign as provided herein:

- _____ a) Less than 500 feet – one (1) sign.
- _____ b) 500 to 750 feet – two (2) signs.
- _____ c) 751 to 1000 feet – three (3) signs.
- _____ d) More than 1000 feet – four (4) signs maximum
- viii) One sign may be erected on construction sites no more than sixty (60) days prior to construction and must be removed no later than thirty (30) days after construction is completed. If construction is halted for more than thirty (30) consecutive days, the one (1) temporary sign allowed under this exception must be removed by the thirty first (31st) day of construction halting.
- _____ a) Subcontractor and additional signs of two (2) square feet or less shall be permitted in addition to total sign area and shall be affixed to, or immediately adjacent to, the main sign structure.

b) Signs in Multi-Family Developments (R-8, R-10, R-15, RPUD)

1) Permanent Signs:

- i) One (1) freestanding monument sign for each street frontage shall be permitted as follows:
 - i) Uses of twelve (12) units or less – sixteen (16) square feet.
 - ii) Uses of thirteen (13) units or more – thirty-two (32) square feet.
 - iii) The sign may be single sign with two (2) faces of equal size or two (2) single face structures of equal size located on each side of the entrance.
 - iv) Maximum height shall be ten (10) feet along CR 466A, CR 25A, CR 468 and US Highway 27/441. All other areas shall be six (6) feet.
 - v) Minimum setback from side lot lines shall be ten (10) feet.
 - vi) Minimum setback from road right-of-way shall be five (5) feet. Signs must comply with visual clearance requirements of Chapter 156, Section 156.060.
 - vii) Signs may be illuminated internally or externally, however, the source of the externally illuminated signs

shall not shine, glare or adversely impact adjacent properties or roadways. Light shall not shine directly on or into residential structures. A licensed engineer must certify that the light emitted from the sign will not cause any ~~adverse~~ ~~affects~~adverse effects to operators of vehicles on adjacent roadways.

A) Illumination of any sign located as to be visible from any street or thoroughfare shall not exceed 0.3 foot-candles above ambient lighting conditions at any point along the paving or curb.

2) Temporary Signs-

- i) Maximum sign shall be forty eight (48) square feet.
- ii) Maximum height shall be six (6) feet.
- iii) Not exceeding three (3) in number for each street frontage of the residential parcel.
- iv) Shall not be erected in excess of a total of one hundred fifty (150) days in a calendar year (all temporary signs collectively if displayed on different days) except that, without regulating the content of the sign.
 - a) One sign no larger than four (4) square feet per residential parcel may be maintained on a residential parcel, year round;
 - b) One sign no larger than four (4) square feet per residential parcel may be maintained on a residential parcel when an owner consents and the residential parcel is being offered for sale through a licensed real estate agent, or if not offered for sale through a real estate agent, when the sign is owned by the property owner and the residential parcel is offered for sale by the owner through advertising in a local newspaper of general circulation, until such time as the sale has been consummated.
 - c) One sign may be erected on construction sites no more than sixty (60) days prior to construction and must be removed no later than thirty (30) days after construction is completed. If construction is halter for more than thirty (30) consecutive days, the one temporary sign allowed under this exception must be removed by the thirty-first (31st) day of construction halting.
- v) In addition to signs specified in this section, the following signs are prohibited on property with a designated zoning of R-8, R-10, R-15, and PUD Residential:

a) Billboard signs.

 b) Electronic message board signs.

c) Signs in Non-Residential Zoning Districts (RP, CBD, C-1, C-2, I, CPUD, PFD, MUPUD, IPUD)

 1) Permanent Signs:

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

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

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

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

iv) The maximum sign area for properties zoned Residential Professional (RP) shall not exceed ~~twenty-five (25)~~thirty-two (32) square feet. The signage can be used as either wall or free standing monument sign or a combination of both.

v) The maximum area for freestanding monument signs within PFD zoning shall be fifty (50) square feet. The signage can be used as either wall or free standing monument sign or a combination of both.

vi) Freestanding monument signs shall not exceed ten (10) feet in height along CR 466A, US Highway 27/441, CR 25A, and CR 468 and shall not exceed six (6) feet elsewhere.

vii) Freestanding signs shall be setback five (5) feet from the right-of-way. Signs must comply with visual clearance requirements of Chapter 156, Section 156.060.

viii) Minimum setback from side lot lines shall be ten (10) feet.

ix) Multiple Frontage Properties:

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

ZONING CLASSIFICATION	% OF PRIMARY FRONTAGE SIGN AREA
Industrial	100%
General Commercial (C-2)	75%
Neighborhood Commercial (C-1)	50%
Residential Professional (RP)	25%
<u>Public Facilities District (PFD)</u>	<u>25%</u>

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

 x) ~~Shopping Centers/Multi-Unit Complexes-~~

- a) Shopping centers/multi-suite/unit complexes may be permitted one (1) ~~freestanding monument~~ sign, however, in no case shall the sign area exceed two hundred (200) square feet. Individual suite/unit wall signs are permitted as follows:

- 1) ~~Maximum sign area shall be determined by multiplying the number of suites/units by the maximum sign area permitted in the zoning district (i.e. property is zoned C-1 and there are 4 suites/units, 100 X 4 = 400 square feet of wall sign allowed). For individual businesses within shopping centers, the total allowable copy area for both wall and window signs shall be two square feet for each linear foot of business frontage up to a maximum of 100 square feet.~~

 xii) ~~Billboard Signs-~~

Billboard signs shall be permitted in the following zoning districts if located adjacent to U.S. Hwy 441/27:

- a) Neighborhood Commercial (C-1)
- b) General Commercial (C-2)
- c) Industrial (I)

- d) The maximum sign area shall not exceed three hundred seventy-eight (378) square feet.
- e) The maximum height shall not exceed forty (40) feet.
- f) The minimum setback from the right-of-way shall be fifteen (15) feet.
- g) The minimum setback from side and rear property lines shall be ten (10) feet.
- h) The minimum setback from any intersection shall be one hundred (100) feet.
- i) The minimum setback from any residential zoning district shall be one hundred (100) feet.
- j) No sign shall be located closer than one thousand five hundred (1,500) feet to another sign which is located on the same side of the street and facing the same direction. (Revised Ord # 2000-004, 03/23/2000).

xiii) *Illuminated Awnings-*

Use of illuminated awnings shall be regulated under the following:

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

xiv) *Neon-*

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

- a) Neon wall signs shall be regulated by the applicable provisions of the Land Development Code.
- b) Decorative neon on buildings shall be counted as a wall sign, measured two-dimensionally by multiplying the length of neon tubing by six (6) inches, and included in the total permitted wall sign area.

xv) *Window Signs-*

- a) Window signs are allowed only for sign/advertisement purposes.
- b) Window signs may not cover more than 25% of the transparent area of any window.

xvi) Electronic Message Boards.

Electronic message boards must adhere to the following guidelines:

- a) Maximum copy area shall not exceed ~~fourteen~~ ~~twenty-four~~ (±24) square feet per each side.
- b) Flashing, scintillating, beacon or running lights or movement or which gives the visual impression of such flashing, scintillation, or movement shall not be allowed.
- c) ~~Shall only display text. The text shall be amber colored or similar lettering with black background.~~
- d) All electronic message board signs are required to incorporate dimming features and capabilities.
- e) The owner of any proposed illuminated sign must arrange for a certification by an engineer showing compliance with brightness standards, automatic dimming features and capabilities, and all guidelines outlined in the Land Development Regulations.
- f) Electronic message board displays cannot contain a message which flashes, pulsates, moves, or scrolls. Each message must transition instantly.
- g) In case of malfunction, digitally-illuminated signs are required to contain a default design to freeze the sign message in one position.
- h) Illuminated signs, both digital and non-digital, may be illuminated from ~~5am to 11pm, or until ½ hour past the close of business of the facility being identified or advertised, whichever is later. A business or facility that is open 24 hours a day is not required to turn off their signs down to dusk at 100% and 20% after dusk.~~
- i) ~~Illumination of any sign located as to be visible from any street or thoroughfare shall not exceed 0.3 foot candles above ambient lighting conditions at any point along the paving or curb.~~
- j) ~~Electronic message boards are only permitted along US HWY 27.~~

2) *Temporary Signs*

- i) Any new or relocated use in a non-residential zone whose allowable freestanding sign has not yet been erected may utilize one (1) conforming temporary freestanding or portable sign for a period of not more than sixty (60) days or until installation of the allowable freestanding sign, whichever shall occur first.
- ii) A new use in a non-residential zone, including those with a permanent freestanding sign, may utilize one (1) temporary freestanding sign or portable sign one (1) time for a maximum of thirty (30) consecutive days in conjunction with a grand opening.
- iii) Such signage may only be utilized within the first three (3) months of business for the use.
- iv) Structure tie-down pursuant to wind loads in the Building Code.
- v) No external electrical illumination is allowed.
- vi) Maximum sign area shall be thirty-two (32) square feet, maximum height shall be eight (8) feet.
- vii) No more than one (1) such sign shall be permitted for each lot or parcel.
- viii) Signs shall be maintained in a legible condition.
- ix) Temporary signs shall be removed within thirty (30) days after construction or build-out is completed on construction sites.
- x) Subcontractor and additional signs of two (2) square feet or less shall be permitted in addition to total sign area and shall be affixed to, or immediately adjacent to, the main sign structure.
- xi) Non-residential properties may utilize window signs displayed on the inside of the window for a period not to exceed ninety (90) days. The window sign(s) shall not exceed an aggregate of twenty-four (24) square feet in sign area, and shall not cover more than twenty-five (25) percent of any window surface, whichever is less.
- xii) Temporary Commercial Mascots and Commercial Message Signs shall be allowed for special events (carnivals, craft fairs, festivals, parades, reunions, sidewalk sales, weddings, etc.) for up to one (1) week and not to exceed three (3) times per year.
- xiii) Banners or other temporary wall signs shall be permitted under the following conditions:

- a) One sign for Grand Opening Celebrations one time only per business entity.
 - 1) For sidewalk sales and other outdoor sales events except yard/garage sales.
 - 2) Maximum sign area shall be thirty-two (32) square feet.
 - 3) Banner signs and other temporary wall signs permitted by this Section shall require the approval of a sign permit application, subject to the appropriate permit fees.

SECTION 163.080: ENFORCEMENT:

a) Removal of Prohibited Signs:

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

b) Removal of Unsafe Signs:

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

c) Removal of Illegally Erected Signs:

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

- 1) Have the sign immediately removed; or
- 2) Have a licensed contractor secure a permit for such sign and is subject to fines as per City Code for commencement without a permit. City inspections of the sign shall be performed. If neither of the above actions is completed within ten (10) days after notification by the Building Official or Code Enforcement Officer the violation may be referred to the Code Enforcement Board.
- 3) A sign not legally permitted prior to the adoption of the Land Development Code shall not be considered a non-conforming sign.

d) Removal of political campaign signs
Prior to the placement of a political campaign sign in the municipal boundaries of the City of Fruitland Park the candidate must remit to the city clerk a political campaign cash deposit in the amount of \$. Failure of a candidate to remit a political cash deposit to the city prior to placement of a political campaign sign in the City, or failure of a candidate to remove all political campaign signs within 30 days after (a) withdrawal of his or her candidacy, (b) having been eliminated as a candidate, or (c) being elected to office, will result in the removal and disposal of the political campaign signs by the City. The cost incurred by the City for such removal and disposal will be deducted from the candidate's political campaign cash deposit and if a balance remains after such deduction, then the balance will be returned to the candidate. If the candidate timely removes his or her political campaign signs the full amount of the deposit will be returned to the candidate.

e) ~~d~~ Violation; Penalties; Continuing violations and Penalty Therefore:

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

SECTION 163.090: VARIANCES AND APPEALS:

a) Technical Appeals.

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

b) Variances.

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

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:

<u>Site Zoning</u>	<u>Zoning of Contiguous Parcel</u>									
	<u>R-2</u>	<u>R-4</u>	<u>R-8, R-10, R-15</u>	<u>C-1</u>	<u>C-2</u>	<u>CBD</u>	<u>PFD</u>	<u>RP</u>	<u>I</u>	<u>PUD</u>
<u>R-2</u>	*	*	*	<u>B</u>	<u>B</u>	**	**	<u>B</u>	<u>C</u>	**
<u>R-4</u>	*	*	*	*	*	*	*	*	*	*
<u>R-8, R-10, R-15</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>
<u>C-1</u>	<u>B</u>	<u>B</u>	<u>B</u>	*	*	*	**	<u>A</u>	<u>B</u>	**
<u>C-2</u>	<u>B</u>	<u>B</u>	<u>B</u>	*	*	*	**	<u>A</u>	<u>B</u>	**
<u>CBD</u>	**	**	**	**	**	**	**	**	**	**
<u>PFD</u>	**	**	**	**	**	**	**	**	**	**
<u>RP</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	*	<u>C</u>	**
<u>I</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>C</u>	<u>C</u>	*	**
<u>PUD</u>	**	**	**	**	**	**	**	**	**	**

No landscape buffer required = *

To be reviewed individually with each application = **

A= 10' minimum, 2 canopy trees, and 8 shrubs

B= 15' minimum, 4 canopy trees, 2 understory trees and 15 shrubs

C= 25' minimum, 5 canopy trees, 4 understory trees, and 30 shrubs

BUFFER REQUIREMENTS				
<i>SITE ZONING</i>	<i>BUFFER WIDTH</i>	<i>CANOPY TREES</i>	<i>UNDERSTORY TREES</i>	<i>SHRUBS</i>
R-1R-2	-	-	-	-
R-2R-4	-	-	-	-
R-3 (MF)R-8, R-10, R-15	10'	2	-	8
C-1	15'*	4	2	15
C-2	15'*	4	2	15
CBD	**	**	**	**
PFD	**	**	**	**
RP	10'	4	2	8
T	25'	5	4	30
PUD	**	**	**	**

~~* The buffer width on the side property lines shall be 10'. If adjacent to residentially zoned property a 6' solid fence or wall shall also be installed. In lieu of fence or wall the buffer width may be increased to 15' with additional understory trees and shrubs planted. Understory trees shall be 3 and shrubs shall be 33. The canopy trees shall be as required above.~~

~~** To be reviewed individually with each application. The buffer requirements will be based on the proposed uses within the PUD, and PFD and CBD 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 Florida-Friendly low water use plant list, by the St Johns Water Management District, and any amendments thereof](#) 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~~Shrubs.

~~Sweet viburnum (*Viburnum odoratissimum*)
Sandanka viburnum (*Viburnum suspensum*)
Privet (*Ligustrum lucideum*)
Waxed leaf ligustrum (*Ligustrum japonicum*)
Podocarpus (*Podocarpus macrophylla*)
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~~-DBH will be required per lot. Applicant shall submit landscape plans prior to issuance of building permit.

For single family or duplex dwellings within a new subdivision, additional trees may be required pursuant to the 40% 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, VARIANCE.**

~~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.~~

~~ab) 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 installation and 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~~ Chapter. One year from issuance of Certificate of Occupancy (CO) the city will inspect the landscape. Should the applicant fail inspection the owner will be required to replace dead or missing plants within thirty (30) days of the inspection.

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, pursuant to Chapter 163.045, FS.t. A letter report by a certified arborist or registered landscape architect stating the tree is in a hazardous or dangerous condition through disease or damage is required prior to removal and shall be submitted to the city manager or designee.
- 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 tree survey (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)F)~~ 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)G)~~ 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%~~ 40% 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~~ will 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.~~

- ~~G) *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-DBH~~ of multi-trunk trees will be calculated using a total DBH of all trunks.~~

- ~~H) 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 papyrifora*)

Silk Oak (*Grevilla robusta*)

f) Historic and Specimen Trees.

A historic tree has a 36" or greater DBH and is ~~one that has been~~ designated by the City Commission, to have historical significance to the community.

A specimen tree has a 24" to 36" DBH ~~is one in which the City Commission and or the County Forester has~~ and is designated to be protected because of its unique characteristics 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~~ Chapter 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.

Organic mulches shall be used during installation around all trees located in turf grass areas, in landscaped areas not planed or not appropriate for growing turf grass, and in all planted areas. Due to slow growth rate, low renewability as a natural resource, and impacts to wetlands, and cypress mulch shall be prohibited. Mulch shall be installed two to four inches deep and kept a minimum of one foot from the base of a tree trunk.

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) 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.

C) The installation of turf grass shall be subject to the following:

i) Grasses having less than excellent drought tolerance as referenced in the plant list may be installed on a maximum of 60 percent of the pervious (landscape) area of any lot or parcel as follows:

<u>Turf Grass Table</u>	
<u>Site Size</u>	<u>Turf Area</u>
<u>Less than 5 acres</u>	<u>60% of the pervious landscape area</u>
<u>5-10 acres</u>	<u>60% of th pervious landscape area, not to exceed 5 acres, whichever is less</u>
<u>More than 10 acres</u>	<u>60% of the pervious landscape area, not to exceed 10 acres, whichever is less</u>

Exemptions:

ii) Turf having an excellent drought tolerance rating, such as Bahia grass, may be used on the entire site and is not subject to this limitation.

iii) Agricultural uses, commercial golf course greens and fairways, public or private active recreation fields such as ball fields are exempt from this limitation.

D) Existing development.

i) The replacement of lawns (turf grass), existing as of December 1, 2009, shall be encouraged to replace lawns and plants with Florida friendly landscaping and drought tolerant turf.

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.

A)B) Landscape plants shall be selected based on appropriateness to the site considering conditions such as soil type, moisture, and sunlight using the principle of “right-plant right-place” as described in “Waterwise Florida Landscaping” published by the St. Johns River Water Management District. The plants shall be grouped in accordance with their respective water needs. A reference to a list of low water use plants is contained in the plant list for Lake County.

B)C) The use of native plants is encouraged whenever possible.

C)D) The following lists plants on the Florida-Friendly low water use plant list, created by the Saint John Water Management, and any amendments thereof, 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.

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

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

SHRUBS	
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 and well-designed irrigation systems.

- 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) B)~~ Rain sensor devices~~Rain sensors~~. Functioning 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)C)~~ Irrigation overflow. The irrigation system shall be designed to minimize irrigation overthrow onto impervious surfaces and to negate any ponding effects.

~~D)Temporary Irrigation~~. Minimumsize canopy trees requiring irrigation prior to becoming established shall use tree bubblers or micro-irrigation on a separate zone.

~~E) Plant Establishment~~. Hand watering or a temporary irrigation system may be allowed to ensure the plants become established.

7) Appropriate Maintenance.

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

~~C) 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.

8) Landscape Irrigation Schedules.

A) When Daylight Savings Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

i) Residential landscape irrigation at odd-numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

ii) Residential landscape irrigation at even-numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

iii) Nonresidential landscape irrigation may occur only on Tuesday ~~and~~ Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

iv) No more than three-quarter inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than one hour per irrigation zone on each day that irrigation occurs.

B) When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

i) Residential landscape irrigation at odd-numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

ii) Residential landscape irrigation at even-numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

iii) Nonresidential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

iv) No more than three-quarter inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than one hour per irrigation zone on each day that irrigation occurs.

C) All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs.

9) *Exceptions to the landscape irrigation schedules.*

Landscape irrigation shall be subject to the following irrigation schedule exceptions:

A) Irrigation using a micro-spray, micro-jet, drip or bubbler irrigation system is allowed anytime.

- B) Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.
- C) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed ¼ inch of water per application except as otherwise required by law, the manufacturer, or best management practices.
- D) Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per zone.
- E) Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.
- F) Discharge of water from a water-to-air air-conditioning unit or other water-dependent cooling system is not limited.
- G) The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.
- H) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

10) Additional Requirement.

A) Any person who irrigates landscape with an automatic lawn sprinkler system installed after May 1, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred.

11) Variance from specific day of the week limitations.

A) A variance from the specific landscape irrigation days or day set forth in Ordinance 2009-003, may be granted if strict application of the scheduled days or day would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance with the scheduled days or day will result in a substantial economic, health or other hardship on the applicant requested the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days or day than other zones of the property.

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) 4) —A maintenance schedule.

b) Application of Ordinance

1) The provisions of Ordinance 2009-003 shall apply to each person located within the City of Fruitland Park, Florida.

c) Enforcement Officials

1) Law enforcement officials having jurisdiction in the area governed by this chapter are hereby authorized to enforce the provisions of this chapter. In addition, the city manager may also delegate enforcement responsibility for this chapter to agencies and departments of Fruitland Park government.

d) Penalties

Violation of any provision of this chapter shall be subject to the following penalties:

First violation: Written Warning.

Second Violation: \$50.00.

Subsequent violations: Fine not to exceed \$500.00

Each day in violation of this chapter shall constitute a separate offense. Enforcement officials shall provide violators with no more than one written warning. In addition to the civil sanctions contained herein, the City of Fruitland Park may take any other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this chapter.

CHAPTER 165

ENVIRONMENTAL PROTECTION REGULATIONS

SECTION 165.010: WETLANDS PROTECTION.

The purpose of this Article is to preserve, protect and enhance the wetlands within the City, based on a policy of no net loss of wetland function, in acknowledgement of the important natural function of wetlands in flood control, water quality and wildlife preservation.

SECTION 165.020: PERMIT REQUIREMENTS FOR WETLAND ALTERATION.

It is hereby unlawful for any person to engage in any activity which will remove, fill, drain, dredge, clear, destroy, or alter any wetland or buffer, without obtaining a wetlands alteration permit from the appropriate jurisdictional agency.

a) Application Procedure.

Application shall be made to the City as part of the application for development plan approval, when applicable. Application submittal shall include the following information:

- 1) Name, address and phone number of applicant, and of any biologists, engineers, or other consultants providing information or acting as agent for the applicant.
- 2) A survey of the property which delineates existing structures, pavement, adjacent streets and other improvements.
- 3) A sketch, map or survey with the type and extent of wetland area as designated by the St. Johns River Water Management District (SJRWMD) mapped to scale, or a copy of any previously submitted permit application to other agencies depicting the subject wetlands.
- 4) A detailed description of any proposed activity within the jurisdictional wetlands and buffer zones.
- 5) Copies of permit applications made to all Federal, State and regional agencies with jurisdiction over the wetlands on the site.

b) Permit Issuance.

The City shall accept wetland alteration permits issued by Federal, State or regional agencies where such permits are deemed to completely address the requirements of this Article. No final development order shall be issued by the City until any or all such other permits are issued.

SECTION 165.010: WETLANDS PROTECTION.

Application for a wetlands alteration permit shall meet the following wetlands protection standards:

- a) There shall be no net loss of wetland function, and wetlands shall be protected or used in a manner that does not adversely impact their beneficial functions. Passive recreation activities such as, but not limited to, boardwalks, fishing piers and boat docks; and nature trails are allowed within wetlands.
- b) Wetlands shall be protected from sedimentation during development activities.
- c) Where impacts on wetlands are determined to be unavoidable, mitigation shall be required based on the appropriate jurisdictional agency requirements.
- d) Wetlands shall be buffered through preservation or planting of a suitable width of upland vegetation, based on the criteria of Section 165.040 of this Chapter.
- e) Non-altered wetlands or created wetlands shall be placed in a conservation easement in accordance with Chapter 704.06, F.S., and recorded in the Public Records of Lake County. Dedication of the conservation easement shall be to the property owner's/homeowner's association ~~City of Fruitland Park~~ or a State of Florida regulatory agency.

SECTION 165.040: BUFFER REQUIREMENTS.

Buffer zones shall be established upland of the landward extent of the wetland jurisdictional line as determined by the St. Johns River Water Management District criteria.

- a) A minimum of twenty-five (25) feet of buffer shall be provided that lies adjacent to landward extent of a wetland.
~~The following buffers shall be required for isolated wetlands, non-isolated wetlands, and wetlands hydrologically connected (contiguous to) to rivers or streams:~~

WETLAND TYPE	BUFFER WIDTH
Isolated	15 feet
Non-Isolated	25 feet

Rivers and Streams	50 feet
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- b) The buffer may be modified along the perimeter of the wetland system to accommodate the development design, as approved by the City Manager or designee. In this case, the upland buffer shall be located such that no less than an average and minimum buffer, of 15 feet as listed below, exists along the perimeter of the wetland system.

WETLAND TYPE	AVERAGE BUFFER WIDTH	MINIMUM BUFFER WIDTH
Isolated	15 feet	10 feet
Non-Isolated	25 feet	15 feet

- c) The buffer may coincide with a portion of the required setback on a developable lot, however, no building or primary structure shall be permitted within ten (10) feet of the buffer boundary.
- d) In such cases where limited vegetation cover and/or lack of native vegetation occurs within the upland extent of the wetland system stormwater swales and sodding will be permitted to occur within the upland buffer zone. The extent of the stormwater swales encroachment within the upland buffer shall be limited to 50%.
- e) In no case shall a buffer impede reasonable access to a body of water.

SECTION 165.050: EXEMPTIONS.

Activities which are exempt from the requirements of this Chapter include:

- a) Minor maintenance or emergency repair to existing structures or improved areas.
- b) Timber catwalks and docks four feet (4) or less in width.
- c) Recreational fishing or hunting, and creation and maintenance of temporary blinds.
- d) Selective mechanically cutting or hand-removal of non-native problematic vegetation including cattails (Typha spp.), primrose willow (Ludwigia spp.), wild taro (Colocasia esculenta), giant reed (Phragmites spp.), paragrass (Panicum purpurascens), punk tree (Malaleuca quinquenervial), and pepper tree (Schinus terebinthifolius) of fifty (50) percent or twenty-five (25) feet, whichever is the lesser.
- e) Clearing of native vegetation within any shoreline shall be limited to 50 percent of the property owner's frontage or 50 feet, whichever is less 25 feet, in width as measured parallel to the shoreline pursuant to Section 165.100 of the Land Development Code.

- f) Stormwater structures limited to outfall structures such that the installation of the structures does not adversely affect the function of the wetland.
- g) Cleared walking trails four (4) feet or less in width and having no structural components or impervious surface.
- h) Utility crossings.
- i) Maintenance, together with incidental dredge and fill activities in ditches, retention and detention areas, public road and other rights-of-way, and other related drainage systems.
- j) Bonafide mosquito control activities.
- k) Activities within artificial wetlands which are created as part of a man-made treatment system.
- l) Constructing fences where no fill is required and where navigational access will not be hindered.

SECTION 165.060: VIOLATIONS.

The following remedies and penalties shall apply to violations of this Chapter:

- a) No variance or appeal will be considered, where the action or requirement in question clearly is derived from the actions or requirements of Federal, State or regional agencies as part of their permitting process.
- b) A stop work order shall be issued for all sites in violation where any construction has been previously authorized. No further City permits shall be issued for the subject site, nor any attendant inspection made, until such violations are corrected or a restoration mitigation plan has been approved by the appropriate jurisdictional agency. This shall include a certificate of occupancy for any attendant structure.
- c) Where violations of the dredge and fill or wetland rules and regulations imposed by Federal, State or regional agencies are noted by the City, such violations will be reported in writing to the appropriate agency.

SECTION 165.070: VARIANCES AND APPEALS.

Variations and appeals to this Chapter shall be considered as follows:

- a) No variance or appeal will be considered, where the action or requirement in question clearly is derived from the actions or requirements of Federal, State or regional agencies as part of their permitting process.
- b) Minor technical variances, where clearly within the intent of this Chapter, may be authorized by the City Manager.
- c) Variances shall be considered based on the procedures of Chapter 168.
- d) Appeals shall be considered based on the procedure in Chapter 152.

SECTION 165.080: ~~SHORELINE PROTECTION REGULATIONS.~~

~~To protect the shoreline areas of the City and to specifically regulate the land use development of these shorelines.~~

SECTION 165.0980: SETBACKS.

- a) Setbacks from the Ordinary High Water Line (OHWL) shall be as follows:
 - 1) All habitable structures shall be located no closer than thirty-five feet (35’).
 - 2) Septic tanks shall be located a minimum of one hundred (100) feet from the OHWL or as far landward from the shoreline as possible based on the depth of the lot.

SECTION 165.90: RESERVED.

SECTION 165.100: CLEARING LIMITATIONS.

- a) No more than a total of [fifty \(50\) percent of the property owner’s frontage or fifty \(50\) feet, whichever is less,](#) ~~twenty five (25) feet~~ of the shoreline vegetation of any lot measured parallel to the shoreline, may be removed by [mechanical or](#) hand for the creation of a beach, or for any other purpose or structure.
- b) Exotic and nuisance plant species such as cattails, primrose willow, elderberry, wild taro, giant reed, paragrass, punk tree, and pepper tree may be removed from the entire shoreline.

SECTION 165.110: WASTE DISPOSAL.

- a) Disposal of any wastes, including but not limited to, liquid, ~~solid~~, construction materials, debris, including yard trash, is prohibited within the shoreline buffer.

SECTION 165.120: **PERMIT REQUIRED.**

- a) Applications for new development or substantial improvements to existing development at a shoreline shall provide copies of all State and Federal regulatory agency permits to the City prior to construction or clearing. These regulatory agencies include, but are not limited to, U.S. Army Corps of Engineers (ACOE), St. Johns River Water Management District (SJRWMD), Florida Department of Environmental Regulation (FDER) and the Florida Department of Natural Resources (FDNR). Compliance with the “Best Management Practices” specified in Section 158.060(c) “Clearing and Grading Standards” shall be necessary for all shoreline development, to limit chemical and sediment pollutant discharge to the adjacent water body.

SECTION 165.130: **BUFFERS.**

- a) A buffer zone preserving the native upland vegetation shall be provided around lakefronts and open water bodies which are constructed or preserved on new development sites.
- b) The buffer zone may consist of preserved vegetation, to include canopy, understory and ground cover of native species, if present.
- c) The edge of the buffer zone shall begin at the upland limit of the wetland or littoral zone, whichever is greater.
- d) A minimum of twenty-five (25) feet of such buffer shall be provided that lies adjacent to uplands.

SECTION 165.140: **WHOLLY OWNED LAKES AND OPEN WATER BODIES.**

- a) If the lake or open water body is wholly owned and contained within a single lot or parcel then the buffer may be modified to allow for greater access. In this case, the upland buffer shall be located such that not less than an average of ~~—~~twenty-five (25) feet of total upland buffer with a minimum of ten (10) feet exists along the perimeter or the wetland littoral zone.

SECTION 165.150: **CONSERVATION EASEMENT.**

- a) All area preserved or conserved under this Chapter shall be recorded with the Public

Records of Lake County as a conservation easement in accordance with Chapter 704.06, F.S.

- b) Dedication of the conservation easement shall be to the ~~City of Fruitland Park~~ [property owners/homeowners association](#) or a State of Florida regulatory agency.

SECTION 165.160: CONSTRUCTION STANDARDS.

- a) Standards for construction activities within shoreline areas are stated within Chapter 158, "Stormwater Management."

SECTION 165.170: EXEMPTIONS.

- a) Individual single family dwellings constructed within existing lot or parcels of record are exempt from the upland buffer requirement.

SECTION 165.180: LISTED SPECIES AND NATIVE VEGETATION PROTECTION.

The purpose of this section is to protect the natural resources of the City for the benefit of its citizens, specifically to prevent destruction of listed plant and animal species in the City and to preserve areas of native vegetation.

SECTION 165.190: APPLICABILITY.

- a) Application shall be made as part of the application for development plan approval, when applicable. Application submittal shall include the following information:
 - 1) An environmental assessment and wildlife survey shall be required for projects which are more than ten (10) acres in size and/or ~~exceed~~ two (2) acres of impervious surface. The environmental assessment shall be prepared by a qualified biologist and/or environmental scientist. The environmental survey shall ~~delineate~~ and label the vegetative community types observed on the site, in accordance with the "Natural Communities Listing" in the Appendix ~~to~~ the Land Development Code;
 - 2) Indication of the presence of listed species evidence;
 - 3) Delineation of the field surveying method applied, such as transect, arrays, etc.
 - 4) For projects less than ten (10) acres and/or less than two (2) acres of

impervious surface in size and located within the —Native Vegetation Communities as designated on Map I-5 of the Future Land Use Element, the applicant shall submit a Florida Land Use, Cover and Forms Classification System (FLUCFCS) map delineating the extent of the native vegetation on site.

- 5) If listed species are found on properties, a Habitat Management Plan shall be required if on-site preservation is warranted. The Management Plan shall be prepared as outlined in Section 165.210 of this Chapter. The Habitat Management Plan must receive approval from Florida Game and Fresh Water Fish Commission and U.S. Fish and Wildlife Service (if applicable) before final construction plan approval.

SECTION 165.200: NATURAL COMMUNITY.

The vegetation of the natural community shall be preserved through project site design. A minimum of ten (10) percent of the total cumulative acreage of natural upland communities which occur on-site shall be preserved. In no case, shall the required set aside areas exceed the open space requirements for the proposed development. The preserved set aside area(s) shall be allowed as credit toward landscape requirements, landscape buffers, wetland buffers, habitat protection areas and open space requirements.

SECTION 165.210: HABITAT MANAGEMENT PLAN.

- a) The Habitat Management Plan must be prepared by a qualified biologist and/or environmental scientist. This management plan must document the species targeted for preservation, population estimate, the habitat needs of the species and the management techniques which will be utilized to preserve the habitat. The management plan shall include:
 - 1) A map at the scale of the development application to include the following:
 - A) Habitat classifications depicted by using FLUCFCS codes;
 - B) location of individuals, nest sites, burrows, feeding areas, roosting areas, etc., and
 - C) areas to be preserved, including habitat and buffers.
 - 2) Management Plan
 - A) Implementation plan;

- B) schedule; and
 - C) responsible parties.
- b) The applicant or his successor in interest is fully responsible for all aspects of the implementation of the management plan. A monitoring report as to the condition of the habitat and the results of the management techniques applied to the habitat shall be submitted to Florida Game and Fresh Water Fish Commission for review on an annual basis from the date when Authorization for Construction was approved.
- c) The Preservation Areas and associated buffers shall exist as “open space” for the development and will be credited toward open space requirements. Development within these areas shall be limited to passive recreational activities which do not degrade the habitat and may include picnic areas and mulched trails. A conservation easement shall be granted to the City for the preserved areas and associated buffers as a condition of the Final Development Order. In addition, the transfer of density from the Preservation Area to be unoccupied area is permitted within a Planned Unit Development (PUD).
- d) In the event that adjacent parcels include conservation easements or other public lands, the City shall propose to connect the easements to provide wildlife corridors.

SECTION 165.220: OFF-SITE MITIGATION.

The property owner and/or developer may contribute funds in lieu of protecting critical habitat on-site. The funds may be allocated toward a county or regional mitigation park or contributed to the “Fish and Wildlife Trust Fund” administered and managed by the Florida ~~Game and Fresh Water~~ Fish and Wildlife Conservation Commission (~~FGFWFC~~ FFWCC). Contributions will be based on the acreage of on-site suitable habitat that would otherwise be required to be preserved. The amount of the contribution will be determined by either the administration of the designated mitigation bank and/or ~~FGFWFC~~ FFWCC.

SECTION 165.230: RELOCATION.

The property owner and/or developer may relocate species individuals utilizing the standards and criteria developed by ~~FGFWFC~~ FFWCC and/or U.S. Fish and Wildlife Service.

A copy of the Relocation Permit shall be forwarded to the City prior to initiation of the relocation effort.

SECTION 165.240: PRIME RECHARGE AREAS AQUIFER PROTECTION STANDARDS.

The purpose of this section is to comply with Comprehensive Plan Policy 5-1.2.1 Restrict

Activities Known to Adversely Affect the Quality of Surface and ~~Ground Water~~Ground Water within the Goals and Objectives of the Conservation Element of the City of Fruitland Park. It is the intent of this section to prohibit Large Quantity ~~Generators of~~Generators of hazardous wastes within the areas designated as High or Prime Recharge Areas as designated by the St. Johns River Water Management District.

SECTION 165.250: DETERMINATION OF HIGH ~~OR PRIME~~OR PRIME RECHARGE - AREAS.

High or Prime ground water recharge areas shall be those areas designated by St. Johns River Water Management District pursuant to Section 373.0395 F.S.

SECTION 165.260: PROHIBITIONS.

Large Quantity Generators of hazardous waste as designated by the U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Regulation (FDER) shall be prohibited within areas designated at High or Prime recharge areas.

SECTION 165.270: HAZARDOUS SUBSTANCES.

- a) All new development involving the handling, generation or storage of hazardous wastes shall meet the following standards for permitting approval:
- 1) Environmental Protection Agency, 40 CFR Parts, 260, 261, 262, 263, 270 and 271, dated March 24, 1986, as amended.
 - 2) Florida Department of Environmental Regulation, including the submittal of the approved state permits, relating to rule 17-730, F.A.C., Hazardous Waste; rule 17-761, F.A.C., underground storage tank systems; and rule 17-762, F.A.C., above ground storage tank systems.

SECTION 165.280: SINKHOLE PROTECTION STANDARDS.

The purpose of this subsection is to comply with Comprehensive Plan Policy 5-8.1 Designation of Environmentally Sensitive Areas, Policy 5-8.6 Development Restrictions Within and Adjacent to Sinkholes and Policy 5-2.9 Groundwater Contamination Introduced through Sinkhole Passages within the Goals ~~and Objectives~~and Objectives of the Conservation Element for the City of Fruitland Park.

SECTION 165.290: PROTECTION STANDARDS.

- a) When the sudden collapse of the land surface develops due to the effects of sinkhole development there are also other environmental hazards involved. Proper planning and engineering to repair or alleviate damages are needed to reduce adverse environmental impacts.
- b) A geological/geotechnical investigation to evaluate potential sinkhole hazards may be required either in the planning phase of a site plan or as a remedial action. If a sinkhole hazard is significant, then it is warranted that a ~~detailed site~~detailed site specific investigation be conducted.

SECTION 165.300: DEVELOPMENT STANDARDS.

- a) For all development proposals whether residential or non-residential, a geologic investigation may be warranted to determine the potential for development. This investigation must be prepared and conducted by a certified geologist or professional engineer and submitted to the City Commission for consideration. The geologic investigation shall be designed to produce information and provide recommendations for site planning, engineering design and construction techniques.
- b) The City Commission shall make recommendations upon the approval or denial of the development proposals based upon the scale of the development and the hazards revealed within the investigation.

SECTION 165.310: PROTECTION STANDARDS FOR SINKHOLE AREAS. PROTECTION STANDARDS FOR SINKHOLE AREAS.

- a) No stormwater structures other than stormwater swales shall be placed within 50 feet of any existing sinkhole area.
- b) No utility structures, above or beneath ground, shall be placed adjacent to an existing sinkhole unless approved by the City Engineer.
- c) No buildings, structures or impervious surface shall be located adjacent to an existing sinkhole unless approved by a certified geologist or professional engineer following a completed geologic investigation.
- d) No septic systems or drain fields, swimming pools, solid waste disposal areas, or chemical storage shall occur within 100 feet of the existing sinkhole unless approved by a certified geologist or professional engineer following a completed geologic investigation.
- e) All stormwater designs located adjacent to existing sinkholes must receive approval from the St. Johns River Water Management District.

SECTION 165.320: CONSERVATION EASEMENT.

All existing sinkholes and/or any new sinkhole areas shall be placed into a conservation easement, ~~or set aside as a tract,~~ if warranted. The conservation easement shall be recorded with the Public Records of Lake County in accordance with Chapter 704.06 F.S.

Dedication of the conservation easement shall be to the ~~City of Fruitland Park~~ [property owners/homeowners association](#) or a State of Florida regulatory agency.

SECTION 165.330: AIR QUALITY AND OPEN BURNING.

The purpose of this section is to comply with Comprehensive Plan Policy 5-1.1 Promote Activities Conducive to Safe Air Quality within the Goals and Objectives of the Conservation Element for the City of Fruitland Park.

The City Commission finds that it is in the best interest of the public health and safety and the environment to prohibit the open burning of material discarded incidental to land clearing or construction practices. It is the purpose of this subsection to regulate open burning.

SECTION 165.340: PERMIT REQUIRED.

Prior to conducting open burning, a permit shall be obtained from the [appropriate regulatory agency](#). ~~Fire Department.~~

SECTION 165.350: EXEMPTIONS.

The following activities are exempt from the provisions of this subsection:

- a) Burning activities incidental to agricultural and silvicultural operations as set forth in the State of Florida Department of Agriculture and Consumer Services, Division of Forestry (Chapter 5I-2, Florida Administrative Code).
- b) Burning activities associated with the use of above ground refractory air curtain incinerators permitted by the Florida Department of Environmental Regulation (FDER) and operated by governmental entities; and
- c) Open burning activities to reduce yard trash and household paper products generated on occupied residential premises of not more than two family dwelling units, subject to setbacks, time frames, and other conditions and restrictions as stated within Chapter ~~17-256~~ [65-256.700](#), ~~Open Burning and Frost Protection Fires Allowed~~, Florida Administrative Code (F.A.C.).

- d) Open burning activities associated with control burns of native vegetative communities and habitat management. These activities must be supervised by either the Division of Forestry or a qualified consultant.

SECTION 165.360: PROHIBITIONS.

All land uses in all zoning districts shall be constructed and operated in a manner which is not injurious or offensive to the adjacent land uses due to the emission or creation of smoke, dust or other particulate matter, toxic or noxious waste material and fire.

- a) Air Pollutants.

Air pollutants, including smoke and particulate matter shall be regulated by the standards cited below:

- 1) Smoke.

Every use shall be so operated so as to prevent the emission of smoke as specified in Chapter 17-2 F.A.C. Florida Department of Environmental Regulation, Air Pollution and Chapter 17-256, Open Burning and Frost Protection Fires.

- 2) Particulate Matter.

Every use shall be operated so as to prevent the emission of solid matter into the air as specified in Chapter 17-2 F.A.C. Air Pollution.

SECTION 165.370: HAZARDOUS WASTE AND MATERIALS.

The following definitions shall apply in determining what constitutes hazardous wastes in the City of Fruitland Park:

- a) Hazardous substance – means any substance which is defined as a hazardous substance in 42 USC Section 9601 (14) and which is designated as a hazardous substance in 40 CFR Section 302.4 (1987).
- b) Facility – means (a) any building structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or (b) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

SECTION 165.380: HAZARDOUS WASTE GENERATORS.

All users and generators of hazardous waste and materials located in the City of Fruitland Park shall submit plans, procedures and necessary government permits to the City Commission to insure that such waste and materials are properly stored, disposed and processed. The City Commission shall have the authority to require that such plans, procedures and permits include, but are not limited to, the following:

a) Construction Plans, Procedures and Facilities.

Explanation of procedures, processes and facilities to be utilized for the storage, disposal and processing of hazardous waste and materials.

b) Federal, State and Local Governmental Agencies.

Documentation from responsible governmental agencies that approved the construction plans, procedures and programs for the premises in question. Such responsible agencies shall include one or more of the following:

U.S. Environmental Protection Agency
U.S. Department of Transportation
Florida Department of Environmental Regulation
Florida Department of Natural Resources
Florida Department of Transportation Florida
Department of Community Affairs Florida
Department of Labor and Security Florida
Department of Law Enforcement Florida
Department of State
St. Johns River Water Management District

c) Private Agencies.

Documentation from private agencies and businesses may include information, contracts, agreements, procedures and similar materials from private waste management companies employed by the owner to dispose of hazardous waste and materials from the premises in question.

CHAPTER 168

VARIANCE PROCEDURES

SECTION 168.010: VARIANCES

a) In General

Requests for variances from requirements of the Land Development Code shall generally be considered for those provisions which regulate site development and the requirements applicable to existing development. Requests for variances to permit a use which is not allowed as a permitted use or by special exception within the specific zoning district shall not be considered. In addition, request for variances to permit the nonconforming use of any land or structure, or the continuance of any nonconforming use shall not be considered.

b) Specialized Variance Procedures and Requirements

Specialized variance procedures and requirements in lieu of, or in addition to, the requirements of this Chapter, are outlined in the following locations:

- 1) Chapter 157, “Subdivisions and Plats”.
- 2) Chapter 161 “Building ~~and Fire~~ Codes”.

c) Application for Variances

Application for variance shall be made on the appropriate forms provided by the City for that purpose, and shall be accompanied by the appropriate review fee. The applicant shall submit one (1) hard copy and one (1) electronic copy of the application and supporting documents to address items 2) and 3) below and the review criteria of Section 168.010 (f). Variances shall be considered as follows:

- 1) Applications for variance shall be submitted no later than two (2) weeks in advance of the regularly scheduled Planning and Zoning Board Technical Review Committee (TRC) meeting in order to be considered at that meeting.
- 2) Applications for variance shall include a legal description of the property, sketch or survey of the property, proof of ownership, and authorization of the owner if represented by an agent or contract purchaser.
- 3) In addition, the applicant shall provide a written statement which explains the conditions and circumstances of the alleged hardship, the proposed action by the applicant should the variance be granted, and the necessity of the action. The written statement shall clearly justify the granting of relief

from requirements of the Land Development Code, and satisfactorily address the review criteria of this Chapter.

d) Notification of Public Hearing

All variance requests shall be considered at public hearings, which shall be noticed as follows:

- 1) Adjoining Owners. At least one (1) week prior to the Planning and Zoning Board hearing, the City shall send notice of the proposed variance to the owners of all adjoining properties within two hundred (200) feet of the subject property. Such notice shall include the date, time and place of the public hearing, along with a clear and concise description of the proposed variance.
- 2) Posting of Property. At least one (1) week prior to the Planning and Zoning Board hearing, the ~~applicant the City~~ shall post ~~every~~ the property that is subject of a public hearing with signs notifying the public of the proposed variance, date of public hearing, and the department to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a minimum of one (1) sign per five hundred (500) feet along any one (1) frontage.
- 3) Public Advertisement. Notice of public hearing shall be published in a newspaper of general circulation within the City at least ~~two~~ one (21) weeks prior to the City Commission hearing. Notice shall also be posted in a conspicuous location at City Hall, and may be posted at other public locations at the discretion of the City.

e) Procedure for Public Hearing:

- 1) TRC. The Technical Review Committee will review all applications for compliance with the review criteria and make a recommendation to the Planning and Zoning Board. A recommendation to the Board will consider and specify in what manner such variation or modification is made, the conditions upon which it is made, and the reasons for compliance with the criteria specified.
- 2) Planning and Zoning Board Action. The Planning and Zoning Board shall consider and make recommendations to the City Commission on every variance request at the public hearings as noticed in subsection (d) above. A decision of the Board to vary the application of any provision of this Code shall specify in what manner such variation or modification is made, the reasons therefore.

3) City Commission Action: The City Commission shall consider the recommendation of the Planning and Zoning Board before taking action on proposed variances. A decision shall then be made by the City Commission whether or not to approve any variation from the Code. Any variance shall specify in what manner such variation or modification is to be made, the conditions upon which it is made and reasons therefor.

f) Review Criteria: —When reviewing an application for a variance, the Planning and Zoning Board and the City Commission shall consider the following requirements and criteria:

1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district;

2) The special conditions and circumstances are not the results of actions of the applicant and/or registered property owner;

3) Literal interpretation and enforcement of the Land Development Code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code, and would work unnecessary undue hardship on the applicant;

The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure;

4) Granting of the variance request will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings or structures in the same zoning district; and

5) The granting of the variance will be in harmony with the general intent and purpose of the Land Development Code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

The above criteria shall be used to determine the justification for granting of relief from requirements of the Land Development Code. Each applicant for a All variance requests shall demonstrate how each criteria applies the application of each criterion to the specific case.

g) Financial Hardship: Financial disadvantage or inconvenience to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.

- h) Physical Hardship: Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Planning and Zoning Board and the City Commission.
- i) Conditions of Approval:
 - 1) Conditions and Safeguards: In granting any variance, the Planning and Zoning Board may recommend and the City Commission may prescribe appropriate conditions and safeguards to ensure compliance with the requirements of this Chapter and the Land-Development Code in general. Such conditions may include time limits for initiation of the variance, specific minimum or maximum limits to regular Land-Development Code requirements, or any other conditions reasonably related to the requirements and criteria of this Chapter.
 - 2) Transfer of Variances: Variances run with the property and the use of a variance may be transferred to another party for use on the same property.
 - 3) Expiration of Variance Approval: A variance that has not been utilized within two (2) years of being granted shall not be utilized without a new public hearing in accordance with requirements of this Chapter.

The Villages
DAILY SUN

Published Daily
Lady Lake, Florida
State of Florida
County Of Lake

Before the undersigned authority personally appeared **Joseph Szabo**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #1043060 in the matter of

NOTICE OF PUBLIC HEARINGS

was published in said newspaper in the issues of

JANUARY 11, 2022

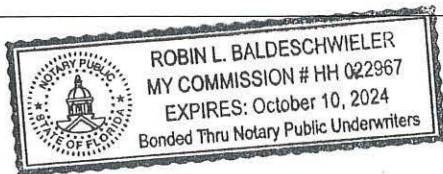
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for Publication in the said newspaper.


(Signature Of Affiant)

Sworn to and subscribed before me this 14
day of January 2022.


Robin L. Baldeschwieler, Notary

Personally Known X or
Production Identification _____
Type of Identification Produced _____



Attach Notice Here:

NOTICE OF PUBLIC HEARINGS
ORDINANCE 2022-001
AN ORDINANCE OF THE CITY OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, AMENDING AND RESTATING THE LAND DEVELOPMENT CODE OF THE CITY OF FRUITLAND PARK CONSISTING OF CHAPTERS 150 THROUGH 169, INCLUSIVE; RENAMING ZONING CATEGORIES; ADOPTING A NEW ZONING CODE AND ZONING MAP; RETAINING THE VILLAGES OF FRUITLAND PARK LAND DEVELOPMENT REGULATIONS CONTAINING CHAPTER 150 THROUGH CHAPTER 167, INCLUSIVE,

AND APPENDIX 1 THROUGH 4, INCLUSIVE; PROVIDING FOR CONFLICTS, CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

The proposed Ordinance will be considered at the following public meetings:

- Fruitland Park City Commission Meeting on January 27, 2022 at 6:00 p.m.
- Fruitland Park Local Planning Agency on January 27, 2022 at 6:15 p.m.
- Fruitland Park City Commission Meeting on February 10, 2022 at 6:00 p.m.

The public meetings will be held in the Commission Chambers located at City Hall, 506 West Berckman Street, Fruitland Park, Florida 34731. This meeting is open to the public and hearings may be continued as determined by the commission from time to time to a time certain The proposed ordinance may be reviewed and inspected by the public during normal working hours at city hall. For further information, please call (352) 360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by any board, agency or commission with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based. The city does not provide verbatim records. (Florida Statutes, 286.0105).

Anyone requiring special accommodations at this meeting because of disability or physical impairment and need assistance to participate in any of these proceedings should contact Esther Coulson, City Clerk at (352) 360-6790 at least forty-eight (48) hours before the date of the scheduled hearings. #1043060 January 11, 2022

CITY OF FRUITLAND PARK
LPA AGENDA ITEM SUMMARY SHEET
Item Number: 6

ITEM TITLE:	Public Comments
For the Meeting of:	August 26, 2021
Submitted by:	City Clerk
Date Submitted:	August 14, 2021
Funds Required:	None
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Yes, Resolution 2013-023, Public Participation Policy and Chapter 286 Florida Statutes

Item Description: This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the governing body at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park’s Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the Local Planning Agency (LPA). Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the LPA addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

Action to be Taken: **None**

Staff’s Recommendation: N/A

Additional Comments: N/A

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2013 -023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY WITH REGARD TO MEETINGS OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to adopt a public participation policy for meetings of the City's boards and commissions; and

WHEREAS, the City Commission accordingly desires to pass this Resolution 2013-023 to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AS FOLLOWS:

Section 1. The following Public Participation Policy shall apply to meetings of City boards or commissions as provided herein.

Sec. 1. Citizen's Rights

(a) Definition. For the purposes of this section, "board or commission" means a board or commission of the City of Fruitland Park.

(b) Right to be Heard: Members of the public shall be given a reasonable opportunity to be heard on a proposition before a City board or commission except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3. A meeting that is exempt from §286.011; or
4. A meeting during which the Commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

Sec. 2. Suspension and Amendment of these Rules

(a) Suspension of these Rules: Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Commission.

(b) Amendment of these Rules: These rules may be amended or new rules adopted by resolution.

- (c) Effect of Variance from Rules: The failure to follow this Public Participation Policy shall not be grounds for invalidating any otherwise lawful act of the City's boards or commissions.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

Section 3. This Resolution shall become effective immediately upon passage.

RESOLVED this 26 day of September, 2013, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

ATTEST:


MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:


SCOTT A. GERKEN, City Attorney

Select Year:

The 2020 Florida Statutes

[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)

PUBLIC BUSINESS

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.—

(1) For purposes of this section, “board or commission” means a board or commission of any state agency or authority or of any agency or authority of a county, municipal corporation, or political subdivision.

(2) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

(3) The requirements in subsection (2) do not apply to:

(a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;

(b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;

(c) A meeting that is exempt from s. [286.011](#); or

(d) A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

(4) Rules or policies of a board or commission which govern the opportunity to be heard are limited to those that:

(a) Provide guidelines regarding the amount of time an individual has to address the board or commission;

(b) Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;

(c) Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or

(d) Designate a specified period of time for public comment.

(5) If a board or commission adopts rules or policies in compliance with this section and follows such rules or policies when providing an opportunity for members of the public to be heard, the board or commission is deemed to be acting in compliance with this section.

(6) A circuit court has jurisdiction to issue an injunction for the purpose of enforcing this section upon the filing of an application for such injunction by a citizen of this state.

(7)(a) Whenever an action is filed against a board or commission to enforce this section, the court shall assess reasonable attorney fees against such board or commission if the court determines that the defendant to such action acted in violation of this section. The court may assess reasonable attorney fees against the individual filing such an

action if the court finds that the action was filed in bad faith or was frivolous. This paragraph does not apply to a state attorney or his or her duly authorized assistants or an officer charged with enforcing this section.

(b) Whenever a board or commission appeals a court order that has found the board or commission to have violated this section, and such order is affirmed, the court shall assess reasonable attorney fees for the appeal against such board or commission.

(8) An action taken by a board or commission which is found to be in violation of this section is not void as a result of that violation.

History.—s. 1, ch. 2013-227.

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