

**2024**

# **Oviedo Land Development Code**

*Final Draft for Public Hearings*

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# Article I: Preamble

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## SECTION 1.1 – SHORT TITLE.

This Code shall be entitled the "City of Oviedo Land Development Code" and may be referred to herein as the "LDC."

## SECTION 1.2 – AUTHORITY.

- (A) This LDC is adopted pursuant to the authority contained in Article VIII, Section 2, of the Constitution of the State of Florida, Ch. 163, Florida Statutes; Chapter 166, Florida Statutes; the City Charter, and other controlling law.
- (B) Whenever any provision of this LDC refers to or cites a section of the Florida Statutes and that section is later amended or superseded, the reference shall refer to the amended section or the section that most nearly corresponds to the superseded section.
- (C) Whenever a reference is made in this LDC to a provision of controlling Federal, State, or regional law, rule, or regulation, such reference shall be deemed to be the most recent version of such law, rule, or regulation.

## SECTION 1.3 – JURISDICTION.

This LDC shall be effective throughout the City's corporate boundaries.

## SECTION 1.4 – RELATIONSHIP TO COMPREHENSIVE PLAN.

In accordance with F.S. Ch. 163, all development orders and permits issued under this LDC shall be consistent with the Comprehensive Plan.

## SECTION 1.5 – NO USE OR SUBDIVISION OF LAND OR BUILDING EXCEPT IN CONFORMITY WITH THE LAND DEVELOPMENT CODE.

- (A) No person may use, occupy, or subdivide any land or buildings or authorize or permit the use, occupancy, or subdivisions of any land or buildings under his control except in accordance with all of the applicable provisions of this LDC. It is the obligation of the purchasers of real property to ensure that property purchased is appropriately permitted and otherwise approved for the use intended. Lawful non-conforming uses may continue in accordance with the provisions of this LDC and property owners may apply for a development order memorializing such uses.
- (B) For purposes of this section, the "use" or "occupancy" or "subdivision" of a building or land relates to anything and everything that is done to, with, upon, under, over, on, or in that building or land.

## SECTION 1.6 – FEES.

- (A) Fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters shall be charged to applicants to implement this LDC. Said fees shall be established by resolution of the City Council and such changes shall not be an amendment to this LDC.
- (B) Fees shall be paid upon submission of a signed application or notice of appeal and no action shall occur until all appropriate fees are paid.
- (C) In the event that a fee has not been established for a particular application or activity, the City Council shall establish an application fee by resolution.

## SECTION 1.7 – SEVERABILITY.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of the LDC are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of the LDC since the same would have been enacted without the incorporation into the LDC of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

## SECTION 1.8 – MISCELLANEOUS.

- (A) As used in this LDC, words importing the masculine gender includes the feminine and neuter.
- (B) Words used in the singular in this LDC include the plural and words used in the plural include the singular.
- (C) The time within which an act is to be accomplished shall be computed by excluding the first day (day of receipt, day on which decision to be appealed occurs, etc.), provided, however, if the last day of the time period is a legal holiday, that day shall also be excluded.
- (D) The word "shall" is mandatory; while the words "may", "can", "could" and "should" are permissive.



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# Article II: Administration

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## SECTION 2.1 – LAND USE ADMINISTRATOR

- (A) **Establishment.** The City Manager shall act as the Land Use Administrator. However, the City Manager may assign such duties, in writing, to a City staff person, or the City Council by agreement with the City Council.
- (B) **Powers and Duties.**
- (1) The Land Use Administrator, or designee, shall review and act upon, or refer to the City staff, a hearing officer or the City Council, the following applications. The Land Use Administrator, or designee, shall execute the Development Orders/Permits associated with the following applications.
    - (a) Development orders, building permits, and development permits, including amendments, that meet the minimum LDC requirements.
    - (b) Development orders, building permits, and development permits, including amendments, that require a deviation of twenty (20) percent or less of a minimum LDC requirement and any amendments or modifications.
    - (c) Redevelopment Orders that require a deviation of thirty (30) percent or less of a minimum LDC requirement and any amendments or modifications.
    - (d) Non-statutory subdivision plan applications, including amendments, that meet all code criteria.
    - (e) Special event permits.
  - (2) The Land Use Administrator, or designee, is authorized to interpret the permissible, prohibited, and special exception land uses listed in each zoning district. A written request from the property owner or authorized agent for an interpretation shall be submitted to the Land Use Administrator together with the required fee. The request shall contain sufficient information to enable the Land Use Administrator to make the necessary interpretation. If necessary, the Land Use Administrator may refer the interpretation to the City Attorney, City Council or a hearing officer for review and action.
  - (3) The Land Use Administrator, or designee, is authorized to interpret the zoning map and to act upon disputed questions of district boundary lines and similar questions. An application for an interpretation shall be submitted by the property owner or authorized agent to the Land Use Administrator together with the required fee. The application shall contain sufficient information to enable the Land Use Administrator to make the necessary interpretation. If necessary, the Land Use Administrator may refer the interpretation to the City Attorney, City Council or a hearing officer for review and action. Where uncertainty exists as to the boundaries of the districts as shown on the official zoning map, the following guidelines shall apply:
    - (a) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines.
    - (b) Boundaries indicated as approximately following lot lines, City Limits or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries.
    - (c) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of changes in the shoreline shall be construed as following such changes.
    - (d) Where a district boundary divides a lot or where distances are not specifically indicated on the official zoning map, the boundary shall be determined by measurement, using the scale of the official zoning map.
    - (e) Where any street or alley is hereafter vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
  - (4) The Land Use Administrator, or designee, is authorized to establish administrative rules for the application and implementation of this LDC.

- (5) The Land Use Administrator, or designee, may also, in his or her sound discretion, refer any matter to the City Council for action, as he or she may deem advisable, with regard to any particular development proposal, issue or application and the City Council shall apply the provisions of this LDC to the proposal or application.

## SECTION 2.2 – CITY ATTORNEY

The City Attorney shall provide legal advice and guidance relative to the application and interpretation as well as the administration of this LDC. The City Attorney shall ensure that the legal parameters of the land development regulations of the City are reviewed in a timely manner consistent with legal developments and changes in the law and propose such amendments as are deemed advisable and necessary from time-to-time as well as work with the Code Codifier under the provisions of Section 1-14 of the City Code of Ordinances.

## SECTION 2.3 – HEARING OFFICER

- (A) **Establishment.** There is hereby established a hearing officer system which may be used for the enforcement of the provisions of this LDC consistent with the provisions of Section 2-91 of the City Code of Ordinances; provided, however, that Subsection (f) of that Section shall not be applicable.

(B) **Powers and Duties.**

- (1) When assigned a matter, the Hearing Officer shall:
- (a) Review, act, and/or make a recommendation on any application or interpretation referred by the Land Use Administrator or the City Council.

## SECTION 2.4 – LOCAL PLANNING AGENCY

- (A) **Establishment.** There is hereby established a City of Oviedo Local Planning Agency (LPA). The LPA shall be the body required pursuant to F.S. § 163.3174.

(B) **Appointment and Terms.**

- (1) The LPA shall have no less than seven (7) members appointed by the City Council. Members shall serve staggered terms. Of the first seven (7) appointed to the board at the effective date of these regulations, two (2) shall be appointed for one (1) year, three (3) shall be appointed for two (2) years, and two (2) shall be appointed for three (3) years. Thereafter, members shall serve three (3) year terms. Members shall be Oviedo City residents. Members will continue to serve until their successors have been appointed. Members may be appointed to an unlimited number of terms.
- (2) **Vacancies.** Appointments to fill any vacancy shall be for the remainder of the unexpired term of office. Staff shall report vacancies in office to the City Council.
- (3) **Absences.** Staff shall notify the City Council of any member's failure to attend two (2) of three (3) consecutive meetings.

(C) **Officers, Rules of Procedure.**

- (1) The LPA shall elect a Chairperson and a Vice Chairperson from among its members at the first meeting of each calendar year.
- (2) All meetings of the LPA shall be public and shall, when required by controlling law, be subject to the requirements relating to quasi-judicial proceedings.

(D) **Powers and Duties.**

- (1) The LPA shall:
- (a) Be responsible for the preparation of the Comprehensive Plan for the City and any amendments thereto.
- (b) Make recommendations to the City Council regarding adoption of or amendments to the Comprehensive Plan, or element or portion thereof.

- (c) Monitor and oversee the effectiveness and status of the Comprehensive Plan and recommend to the City Council such changes as may from time to time be required, including preparation of the periodic reports.
  - (d) Review proposed land development regulations, codes, or amendments thereto and make recommendations to the City Council.
  - (e) Review and act upon building permit, tree restoration plans, and minor preliminary subdivision plan applications, including amendments, that require a deviation greater than twenty (20) percent of a minimum LDC requirement.
  - (f) Review and make recommendations to the City Council regarding applications for special exception use orders, planned unit developments, development agreements, official zoning map amendments, master land use plans, preliminary subdivision plans, developments of regional impact and any amendments to the development approvals listed herein.
  - (g) Perform any other duties assigned by the City Council.
- (2) The LPA may:
- (a) Initiate amendments to the Comprehensive Plan.
  - (b) Initiate amendments to this LDC.
  - (c) Request the City Council to initiate investigation of such matters and to prepare such reports, ordinances, amendments, or other documents that the LPA may find necessary or helpful in exercising the powers granted to the LPA by this LDC.

(E) **Public Hearings.** The LPA shall conduct a public hearing prior to acting upon the following:

- (1) Recommendation regarding adoption of, or amendments to, the Comprehensive Plan (legislative);
- (2) Recommendation regarding adoption of, or amendments to, this LDC (legislative);
- (3) Recommendation regarding amendments to the official zoning map (generally quasi-judicial);
- (4) Recommendations regarding developments of regional impact (quasi-judicial);
- (5) Recommendations regarding planned unit developments (quasi-judicial);
- (6) Recommendations regarding statutory development agreements (quasi-judicial);
- (7) Recommendations regarding special exception use orders (quasi-judicial).
- (8) Any other matter that may be required by controlling law.

## SECTION 2.5 – CITY COUNCIL

**Powers and Duties.** The City Council shall have final approval authority over the following except as otherwise provided in this LDC:

- (1) Adoption of, or amendments to, the Comprehensive Plan;
- (2) Adoption of, or amendments to, this LDC;
- (3) Amendments to the official zoning map;
- (4) Annexation petitions;
- (5) Appeals from a decision of a hearing officer, the LPA, and the Land Use Administrator;
- (6) Developments of regional impact;
- (7) Development agreements;
- (8) Final plats, replats;
- (9) Planned unit developments;

- (10) Preliminary subdivision plans;
  - (11) Master land use plans;
  - (12) Development orders, and development permits, excluding building permits, including amendments, that require a deviation greater than twenty (20) percent of a minimum LDC requirement;
  - (13) Vested Rights Determination;
  - (14) Development orders and development permits (City projects), including amendments, that require a deviation of greater than twenty (20) percent of a minimum LDC requirement;
  - (15) Redevelopment Orders that require a deviation of greater than thirty (30) percent of a minimum LDC requirement.
  - (16) Special exception use orders;
  - (17) Any matter accepted by referral from the Land Use Administrator;
  - (18) Any other act required by State law or the City Charter.
- (A) **Public Hearings.** The City Council shall conduct a public hearing, as required by controlling law, prior to acting upon the following:
- (1) Adoption of, or amendments to, the Comprehensive Plan;
  - (2) Adoption of, or amendments to, this LDC;
  - (3) Amendments to the official zoning map;
  - (4) Annexation petitions;
  - (5) Developments of regional impact;
  - (6) Planned unit developments;
  - (7) Statutory development agreements; and
  - (8) Special exception use orders.

## SECTION 2.6 – APPEALS TO THE CITY COUNCIL

### (A) Appeals to the City Council.

- (1) An appeal of any final order or decision of the Land Use Administrator, LPA or a hearing officer, shall be taken to the City Council by any person aggrieved. The decision of the City Council shall be final, unless otherwise appealed to the courts. Appeals to the City Council shall be *de novo*.
- (2) A written notice of appeal shall be filed with the City Clerk and specifically state the reason for the appeal. A notice of appeal shall be considered filed when delivered to the City Clerk, and the date and time of filing shall be entered on the notice. An appeal shall be filed within thirty (30) days of the final order or decision appealed from.
- (3) The City Council may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the City Council shall have all the powers of the Land Use Administrator, LPA or a hearing officer.

### (B) Administrator to Provide Related Documents.

Whenever an appeal is filed, the Land Use Administrator shall forthwith transmit all of the information constituting the record relating to the action appealed from to the hearing officer, Land Use Administrator, LPA, City Council or a court to whom the appeal is made.

### (C) Finality of City Decision.

An order, requirement, decision, or determination is not final until all appeals of the order, requirement, decision, or determination have been decided within the City's appellate processes if a timely appeal has been filed. Upon a final City decision occurring, the matter shall be final unless appealed to the courts; provided, however, that the appeal of an approved application for an order or relating or

pertaining to a requirement, decision, or determination to the courts shall not stay the effect of the approval unless a court order so determines.

## SECTION 2.7 – FLEXIBILITY IN ADMINISTRATION

(A) It is recognized that because of the individual characteristics of any given development, flexibility in the application of minimum requirements may be warranted for quantifiable standards of this LDC. The approving authority may, therefore, grant deviations from the minimum requirements of this LDC whenever it finds such deviations will fulfill the intent of this LDC. If an application requests multiple deviations, each deviation shall be evaluated independently. Any deviations from the minimum requirements of this LDC shall be specified and justified by the applicant and mitigation shall be required by the approval authority, except as provided in this LDC.

### (B) **Approval Authority.**

#### (1) **City Development Projects.**

- (a) The Land Use Administrator is authorized to approve a deviation of twenty (20) percent or less of a minimum LDC requirement.
- (b) The City Council is authorized to approve a deviation greater than twenty (20) percent of a minimum LDC requirement.

#### (2) **All Other Development Projects.**

- (a) The Land Use Administrator is authorized to approve a deviation of twenty (20) percent or less of a minimum LDC requirement.
- (b) The LPA is authorized to approve a deviation greater than twenty (20) percent of a minimum LDC requirement associated with a building permit, minor preliminary subdivision plan, and tree restoration plan.
- (c) The City Council is authorized to approve a deviation greater than twenty (20) percent of a minimum LDC requirement for development orders and development permits per Table 2.7.1.

TABLE 2.7.1: SUMMARY OF APPROVAL AUTHORITY FOR DEVIATIONS		
Application	Percent Deviation	Final Approval Authority
Development Order	compliant	LUA
	≤20%	LUA
	>20%	CC
City Building Permits and Development Permit Other than Building Permit	compliant	LUA
	≤20%	LUA
	>20%	CC
Building Permit	compliant	LUA
	≤20%	LUA
	>20%	LPA
Redevelopment Order	compliant	LUA
	≤30%	LUA
	>30%	CC
Minor Preliminary Subdivision Plan	compliant	LUA
	≤20%	LUA
	>20%	LPA

Notes:

CC: City Council

LUA: Land Use Administrator

LPA: Local Planning Agency

(3) **Properties Subject to Eminent Domain Process.** The Land Use Administrator, or designee, is authorized to review and act upon, or refer to the City Council, an application for a deviation of a minimum LDC requirement for properties that have been subjected to an eminent domain process to allow the continued use of the property in a manner similar to its pre-eminent domain condition pursuant to Section 2.11, Eminent Domain.

(C) **Criteria of Approval.** A deviation may be granted by the approving authority if it finds, based upon substantial competent evidence submitted by the applicant, that strict application of a minimum LDC requirement is not warranted and granting a deviation will fulfill the intent of this LDC. The approving authority shall evaluate the following to determine if the applicant has submitted substantial competent



evidence justifying a request for a deviation to a minimum LDC requirement and if granting the proposed deviation will fulfill the intent of this LDC:

- (1) **Existence of Special Conditions.** That special conditions or circumstances exist which are peculiar to the land, structure or building involved.
  - (2) **Compatibility.** The proposed deviation's scale and intensity is compatible with and will not adversely impact land use activities on adjacent properties.
  - (3) **Proper Use of Mitigative Techniques.** The proposed development project has been designed to incorporate one or more of the mitigative techniques listed in Section 2.8(A), Mitigative Techniques and Mobility Strategies, to prevent adverse impacts to adjacent land use activities.
  - (4) **Protection of Environmentally Sensitive Areas.** The proposed deviation is necessary to conserve and protect the natural environment including wetlands, natural habitat, protected canopy trees, drainage corridors, flood prone lands, and other environmentally sensitive lands.
  - (5) **Minimum Deviation Granted.** That the proposed deviation is the minimum deviation necessary that will make possible the reasonable use of the land, building, or structure.
  - (6) **Open Space and Other Facilities.** The proposed deviation provides for more usable and suitably located open space and other public and common facilities than would otherwise be provided under strict application of the minimum LDC requirement.
  - (7) **Existing Non-Conforming Uses of Other Property Not Basis for Approval.** No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a deviation.
  - (8) **Other Information.** The applicant may provide other information in addition to that listed above to justify a request for a deviation to a minimum LDC requirement and demonstrate that granting the proposed deviation will fulfill the intent of this LDC.
- (D) **Burden of Proof.** The burden of presenting evidence sufficient to allow the approving authority to grant a deviation, as well as the burden of persuasion on those issues, remains with the applicant seeking the deviation.
- (E) **Approval Conditions.** In granting deviations, the approving authority may impose such reasonable conditions and mitigative techniques as will ensure that the use of the property to which the deviation applies will be reasonably compatible with the surrounding properties including, but not limited to, visual screening, and may also prescribe a reasonable time limit within which construction or occupancy of the premises for the proposed use shall have begun or have been completed or both. All such conditions and mitigative techniques are enforceable in the same manner as any other applicable requirement of this LDC.
- (F) **Federal Flood Insurance.** No deviation may be granted that would otherwise impact the City's standing under the National Flood Insurance Program (NFIP) or any similar program.
- (G) **No Deviations for Anything Prohibited by the Code.** No deviations for anything prohibited by this LDC may be granted.
- (H) **Deviation Attached to Development Order or Permit.** A granted deviation, and any conditions attached to it, shall be incorporated into the development order or permit and development plan.
- (I) **Modification to an Approved Deviation.** A proposed modification to an approved deviation from a minimum LDC standard shall be added to the approved deviation and considered in the aggregate. The total deviation (approved deviation plus proposed modification) shall determine the approving authority.

## SECTION 2.8 – MITIGATIVE TECHNIQUES AND MOBILITY STRATEGIES

(A) **Mitigative Techniques and Mobility Strategies.** If an applicant requests a deviation (s) to any quantifiable design standard in this LDC pursuant to Section 2.7, Flexibility in Administration, one or more of the following mitigative techniques shall be incorporated into the project design in accordance with Section 2.7(6)(3).

(1) **Mitigative Techniques for Development Order and Development Permit Deviations**

- (a) **Tree Preservation.** The development preserves more than thirty-five (35) percent of trees with caliper larger than (>) thirty (30) inches in diameter at breast height (DBH). This does not include trees in wetlands or conservation areas.
- (b) **Enhanced Streets.** The development provides enhanced street or streetscape above the standards of this LDC such as protected bike lanes, on-street parking, retail zone or other improvements accepted by the City Engineer.
- (c) **Enhanced Landscape.** The development provides enhanced landscaping beyond the minimum requirements of this LDC.
- (d) **Mobility Strategies.** The list of Mobility Strategies provided in Section 2.8(B) may be counted according to the same scale as a mitigative technique, if not used as a Mobility Strategy per Policy 2-2.2.10 of the Comprehensive Plan.
- (e) **Community for a Lifetime Residential Units.** Residential development provides a minimum of twenty-five (25) percent of residential units addressing "Communities for a Lifetime" principles from the Department of Elder Affairs, including but not limited to elevators or master bedrooms with bathrooms at ground level.
- (f) **Low Impact Development.** The development proposes low impact development (LID) engineering solutions for storm water including, but not limited to, bioswales, porous paving, green roofs, etc. If green roofs are provided, the development shall provide a minimum of twenty-five (25) percent coverage.
- (g) **Charging Stations for Electric Cars.** The development provides and maintains at least five (5) percent of required parking or guest parking as charging stations for electric cars with the installation of the required equipment.
- (h) **Use of Environmentally Friendly Design Practices.** The development utilizes environmentally friendly building design practices such as the provision of alternative energy solutions including, but not limited to, solar energy solutions.
- (i) **Health Design Solutions.** The development offers health-design solutions including, but not limited to, community gardens, internal bicycle lanes/trails, and outdoor communal fitness equipment.
- (j) **Publicly Accessible Amenities.** The development offers publicly accessible amenities such as patios and plazas, landscaped mini-parks, squares or greens beyond what is required.
- (k) **Vertical Mixed-Use.** The development implements vertical mixed-use.
- (l) **Public Art.** The development provides public art including, but not limited to, sculptures or murals consistent with City policy on public art. The art may be installed on-site or a contribution made to the Public Art Fund. The minimum value of the public art to count as a mitigative technique is five thousand dollars (\$5,000.00) (either for the art on-site or for the Public Art Contribution). This amount may be updated every year with the fee schedule. Public art should be privately owned and maintained.
- (m) **Screening and Noise Attenuation.** Installation of physical barriers, screening structures such as fences, walls, or berms for visual attenuation and sound barriers or acoustic insulation for noise attenuation.

- (n) **Other Mitigations.** Such other mitigations that the Approving Authority determines to better mitigate the requested deviation, which is clearly and convincingly consistent with the intent of this section and which is consistent with sound and generally accepted land use and architectural practices and principles.
- (o) **Number of Mitigative Techniques.** If an application requests multiple deviations, each deviation shall be evaluated independently, and mitigative techniques shall be required for each requested deviation or a category of related deviations.

(2) **Mitigative Techniques for Architectural Design Order Deviations.**

All the Mitigative Techniques listed in Section 2.8(A)(1), plus the following:

- (a) **Architecture.** Architectural elements that are provided in the project that enhance the composition of the façades but are not required to comply with the minimum requirements of this LDC. These may include, but are not limited to, elements related to massing, articulation, fenestration, roof modulation, materials and/or corner elements.
- (b) **Number of Mitigative Techniques.** If an application requests multiple deviations, each deviation shall be evaluated independently, and the number of mitigative techniques will be based on the highest percentage deviation requested. Deviations up to twenty (20) percent shall require one (1) mitigative technique. Deviations above twenty (20) percent and up to fifty (50) percent shall require two (2) mitigative techniques. Deviations above fifty (50) percent shall require three (3) mitigative techniques.

(B) **Mobility Strategies.** According to the trip generation threshold established by Policy 2-2.2.10 of the Comprehensive Plan, the project shall be required to provide mobility strategies as a mitigation. Such mitigation shall be provided according to the following mobility strategy techniques:

(1) Mitigative techniques that count as one-half (0.5) mobility strategy:

- (a) Bike repair station.
- (b) Bench (street furniture).
- (c) Additional bike racks beyond the minimum required.

(2) Mitigative techniques that count as one (1) mobility strategy:

- (a) The development provides sidewalks with a width of at least two (2) feet above the minimum requirement if accepted by the City Engineer.
- (b) Covered bike racks or bike lockers.
- (c) Bus shelter without bench if located on a fixed bus route or public school bus stop.
- (d) Shower for employees (commercial office).
- (e) Micromobility parking area with signage.
- (f) Pedestrian crossing lights (traffic calming measure).

(3) Mitigative techniques that count as two (2) mobility strategies:

- (a) Shared path minimum ten (10) feet wide that makes a viable connection to neighboring properties and/or neighboring facilities.
- (b) Car Sharing (Such as Zipcar).
- (c) Bus Shelter with bench if located on a fixed bus route or public school bus stop.
- (d) Covered bench (street furniture).
- (e) Raised crosswalk (traffic calming measure).

(4) Mitigative techniques that count as three (3) mobility strategies:

- (a) Shared micromobility system (station and vehicle).
  - (b) Micromobility access points in addition to vehicular access points.
  - (c) Additional vehicular access points above the minimum required.
  - (d) Mobility hub.
  - (e) Enhanced streetscaping with large trees along pedestrian paths/sidewalks.
  - (f) Enhanced lighting at intersections or pedestrian paths for added visibility/safety.
  - (g) Enhance accessibility pedestrian system (APS) at intersections.
  - (h) Upgraded bike facility per Article XI, Section 11.1(D)(vii).
  - (i) Subsidized transit for developments within eight hundred (800) feet of a transit stop.
- (5) **Mobility Fund.** Monetary Contribution to the Mobility Fund is calculated at a rate of \$10,000 per one (1) mobility strategy, to be updated every year in the City's Fee Schedule.
- (6) **Other Strategies.** Such other strategies that the approving authority determines to better contribute to the City's Mobility Plan, which is clearly and convincingly consistent with the intent of this section and which is consistent with sound and generally accepted land use and mobility practices and principles.
- (7) **Number of Strategies.** The approving authority may determine a proposed mobility strategy equates to a greater number of mobility strategies, if there is a determination the mobility strategy provides an increased public benefit.
- (C) **Applicability.** A mitigation, density/intensity bonus, or mobility strategy used to satisfy one criterion of this LDC shall not be credited to meet another criteria set forth in this LDC.

## SECTION 2.9 – PUBLIC HEARING NOTIFICATION REQUIREMENTS

- (A) **Application for Special Exception Use Order.** Prior to a public hearing of the LPA or City Council to consider an application for a special exception use order, the Land Use Administrator, or designee, shall provide notice of the public hearing to consider the special exception use order as follows:
- (1) At least ten (10) days prior to the public hearing, post a notice on the property of the proposed special exception use order;
  - (2) At least ten (10) days prior to the public hearing, mail a similar notice to the Applicant; the owner of the property, if other than the Applicant; and the owners of every parcel of land within a distance of five hundred (500) feet from the property line of the property described in the application; and
  - (3) At least seven (7) days prior to the public hearing, publish a notice of public hearing in a newspaper circulated in the City.
  - (4) The notice shall, at a minimum, include the time, date, and location of the public hearing; identification of the authority conducting the public hearing; a brief description of the special exception use applied for; general description of the property described in the application; and the place or places that the application may be inspected by the public.
- (B) **Land Development Code Amendment.** Proposed amendments to this LDC shall be in accordance with the requirements of State Law.
- (C) **Application for Zoning Map Amendment, Statutory Development Agreement, and Development of Regional Impact.** Notice for an application for zoning map amendment, statutory development agreement, and development of regional impact shall be in accordance with the requirements of State law. Additionally, at least ten (10) days prior to a public hearing of the LPA or City Council, the Land Use Administrator, or designee, shall:
- (1) Post a notice on the property of the proposed application; and
  - (2) Mail a notice of public hearing to the applicant; the owner of the property described in the application, if other than the applicant; and the owners of every parcel of land within a distance of five hundred (500) feet from the property line of the property described in the application.
  - (3) The notice shall, at a minimum, include time, date, and location of the public hearing; identification of the authority conducting the public hearing; type of application to be considered; general description of the property described in the application; a brief description of the proposal being considered; and the place or places that the application may be inspected by the public.
- (D) **Miscellaneous Provisions Relating to Notice.**
- (1) In the event of a conflict between the provisions of this LDC and State law, the provisions of State law shall prevail.
  - (2) In the event that a person asserts lack of notice but appears at the meeting or public hearing for which the notice was given, the assertion shall be deemed out of order and said matter shall be adjudicated in the resulting development order or development permit.
  - (3) Notwithstanding the notice requirements set forth in this LDC, the Land Use Administrator, in conjunction with the City Attorney, may, as the circumstances require, take actions necessary to ensure that administrative due process is afforded to all affected parties.

## Section 2.10 – PUBLIC OUTREACH

- (A) **Public Outreach Notice.** The purpose of public outreach notice is to educate occupants and owners of nearby lands about the proposed development and application, receive comments, address concerns about the development proposal, and resolve conflicts and outstanding issues, where possible. It is not intended to produce consensus on applications but to ensure that citizens and property owners are provided with adequate opportunity to learn about applications that may affect

them at the early stage of the process.

- (1) **Applicability.** A public outreach notice is mandatory for applications for future land use map amendments, zoning map amendment, special exception use orders, preliminary subdivision plans, master land use plans and its associated development agreement. The applicant shall provide a written public notice to the surrounding properties within thirty (30) days after the City has deemed the application to be sufficient.
  - (2) **Procedure.** The applicant is responsible for providing notification by U.S. Mail certified to all known owners of property within five hundred (500) feet of the subject property. A copy of the public outreach notice and a list of who it was sent to are to be presented by the applicant to the Staff prior to approval of the application by the approving authority.
- (B) **Public Outreach Notice.** A public outreach notice shall contain at a minimum: the name and telephone number of the applicant; a description of the location of the property for which action is pending, including but not limited to, a map, a street address, and a parcel identification number as provided by the Seminole County Property Appraiser Office; preliminary concept plans; and specifications of the proposed development project such as land uses, size and height of buildings, intensity and density, and new streets.
- (C) **Community Meetings.** Community meetings are optional. If a community meeting is conducted it shall comply with the following standards:
- (1) **Time and place.** The applicant shall arrange the location of the neighborhood meeting, which shall be reasonably convenient and accessible to the owners of property located in close proximity to the land subject to the application. The facility at which the neighborhood meeting will occur shall be of sufficient size to accommodate expected attendance. The neighborhood meeting shall be scheduled after 5:00 p.m. on a weekday or between 9:00 a.m. and 8:00 p.m. on a weekend day.
  - (2) **Notification.** All community meetings, if conducted, shall occur at least thirty (30) days after the application is determined to be a sufficient application. The applicant shall provide notification of the neighborhood meeting a minimum of 21 calendar days in advance of the meeting by mailing notice to all owners of property located within 500 feet of the land subject to the application. The list of owners within 500 feet of the affected property shall be obtained by the applicant from the most recent version of the property owners of record provided by the Seminole County Property Appraiser. If the affected property is subject to the requirements of a property owners' association or a condominium owners' association, the applicant shall provide notice of the neighborhood meeting to such association in the same manner as stated above for property owners. The City of Oviedo, in care of the City Manager, shall be added to the notification mailing list for all community meetings. The notification shall state the time and place of the meeting and shall meet the requirements in Section 2.10(B), Public Outreach Notice.
  - (3) **Conduct of meetings.** At the community meeting, the applicant shall explain the development proposal including, but not limited to, the proposed uses, densities, intensities, and, if applicable, the proposed master concept plan, inform attendees of the character and nature of the process for review, and respond to comments and questions that attendees may have about the application and propose ways to resolve conflicts. Materials and exhibits shall be displayed in a format and size that can be easily viewed by the attendees of the neighborhood meeting. At a minimum the Community Meeting shall include the following information:
    - (a) Preliminary plans;
    - (b) Development schedules; and/or
    - (c) Specifications of the proposed development project such as land uses, size and height of buildings, intensity and density, new streets, and other primary features.
  - (4) **Staff attendance.** City staff may attend the neighborhood meeting for the purpose of advising the attendees regarding applicable provisions of the City's land use regulations and approval processes but shall not serve as facilitators or become involved in negotiations at the neighborhood meeting.



- (5) **Written summary of community meeting.** The applicant shall include a written summary of the community meeting, as well as copies of all documents and exhibits that the applicant presented during the neighborhood meeting within ten (10) days after the date on which the community meeting is held. The written summary shall include a list of those in attendance, a summary of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information the applicant deems appropriate.

## SECTION 2.11 – EMINENT DOMAIN

### (A) **Non-Conforming Situations.**

- (1) Existing characteristics of use which become non-conforming or increase in non-conformity as a result of an eminent domain process including, but not limited to, minimum lot size, setbacks, open space, off-street parking, landscape requirements, drainage and retention shall be required to meet the requirements of this LDC to the greatest extent possible, as determined by the Land Use Administrator, or designee. Thereafter, the existing characteristic of use shall be deemed conforming only to the extent of those non-conformities caused by the eminent domain process. Any matter reasonably related to the post-taking use of the property and reasonably resulting from the taking may be considered.
- (2) If any legally existing structures (principal or accessory), or vehicular use area shall be relocated as a direct result of an eminent domain process, or as a result of safety concerns, if allowed to remain after the eminent domain process, the Land Use Administrator, or designee, may allow the relocation of the structure on the remaining property, so as to comply with all applicable regulations to the greatest extent practicable as determined by the Land Use Administrator, or designee. If the relocation results in substandard characteristics of use, it shall be deemed thereafter to be conforming, but only to the extent of those non-conformities caused by the eminent domain process. Any future expansion or enlargement thereof shall be in accordance with all applicable requirements of this LDC
- (3) Legally existing structures (principal or accessory) or vehicular use areas which become non-conforming or increase in non-conformity as a result of an eminent domain process which are thereafter damaged or destroyed, other than by voluntary demolition, to an extent of more than fifty (50) percent of the Seminole County Property Appraiser's assessed valuation at the time of destruction, can be restored, but only to pre-destruction condition in accordance with controlling development and regulatory codes. Any expansion or enlargement that does not increase the non-conformity of a characteristic of use shall be permitted in accordance with all applicable requirements of this LDC and other controlling development and regulatory requirements. If expansion or enlargement increases the non-conformity of a characteristic of use approval, such expansion or enlargement shall be in accordance with all applicable requirements set forth in this LDC to the extent practicable.
- (4) If a structure is required to be relocated, but contains a non-conforming use, the Land Use Administrator, or designee, may permit the relocation on-site or to an adjacent parcel upon a determination that no public harm will result.
- (5) Where part of a principal structure is acquired, the reconstruction of the acquired structure (same size and use) may be permitted. The reconstruction shall meet all City codes to the greatest extent practicable, as determined by the Land Use Administrator, or designee. The reconstructed structure shall thereafter be deemed conforming as to those non-conformities caused by the eminent domain process.
- (6) Any alterations, repairs or rehabilitation work necessitated by an eminent domain process may be made to any existing structure, building, electrical, gas, mechanical or plumbing system, provided that the alteration, repair or rehabilitation work conforms to the requirements of the controlling development and regulatory codes. The Land Use Administrator, or designee shall determine the extent to which the existing system shall be made to conform to the requirements of the technical codes for new construction.

(B) **Deviations.**

- (1) **Approval Authority of Land Use Administrator.** The Land Use Administrator, or designee, is authorized to review and act upon, an application for a deviation of a minimum LDC requirement for properties that have been subjected to an eminent domain process to allow the continued use of the property in a manner similar to its pre-eminent domain condition.
- (2) **Application for Deviation.**
  - (a) The eminent domain authority with notification to the property owner by the City, or the property owner, may apply in writing to the Land Use Administrator, or designee, for a deviation, of a minimum LDC requirement for properties that have been subjected to an eminent domain process to allow the continued use of the property in a manner similar to its pre-eminent domain condition. The application shall demonstrate that the deviation will not result in a condition which adversely affects the health, safety or welfare of the general public.
  - (b) The Land Use Administrator, or designee, shall, within thirty (30) days of receipt of a sufficient application, issue to all parties a development order or permit granting the deviation or denial development order denying the deviation.
  - (c) The Land Use Administrator, or designee, shall provide a copy of the development order or permit granting the deviation or denial development order denying the deviation to the City Attorney's Office if the property is in an eminent domain lawsuit, or in pre-suit negotiations.
  - (d) If a deviation is denied by the Land Use Administrator, or designee, the property owner or eminent domain authority may appeal the denial to the City Council.
- (3) **Criteria for Approval.** In granting any deviation, the Land Use Administrator, or designee, shall consider the following to determine if granting the deviation will fulfill the intent of this LDC:
  - (a) That special conditions or circumstances exist which are peculiar to the land, structure or building involved.
  - (b) The deviation will not adversely affect the safety of pedestrians or operations of motor vehicles.
  - (c) The deviation will preserve required off-street parking to the greatest extent practicable. The reconfiguration, reduction, or removal of landscape and/or open space may be considered to preserve off-street parking.
  - (d) The deviation incorporates mitigative techniques needed to prevent adverse impacts to adjacent land use activities.
  - (e) The deviation is the minimum necessary.
  - (f) No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a deviation.
- (4) **Signs.**
  - (g) A sign which is located on a parcel that is subject to an eminent domain process may be allowed to be relocated on the remaining portion of the parcel on which it is located in accordance with the following:
    - (i) **Conforming Signs.**
      - a. The sign shall be relocated on the remaining parcel in such a manner as to meet the setback and distance separation requirements. If setback and distance separation requirements cannot be met due to the size and/or configuration of the remaining parcel, then, subject to the Land Use Administrator's determination, the sign may be relocated so as to comply with such regulations to the greatest extent practicable as determined by the Land Use Administrator, or designee.



- b. Regardless of the sign location, adherence to all sight visibility requirements shall be required.

(ii) **Non-Conforming Signs.**

- a. Any existing non-conformity of a sign, other than setback or distance separation, shall not be increased upon relocation. A non-conforming sign may not be structurally altered or enhanced upon relocation.
- b. If the sign to be relocated is a non-conforming sign, upon proof submitted by the applicant and subject to the determination by the Land Use Administrator, or designee, that public harm will not occur, such sign may be relocated notwithstanding the provisions of this LDC to the contrary.

- (h) The Land Use Administrator, or designee, shall ensure that controlling Federal and State law is applied at all appropriate times with regard to outdoor advertising.

- (4) **Expansion or Enlargement After Deviation Granted.** Any further expansion or enlargement of a lot, parcel, structure or use after a deviation has been granted shall be in accordance with all applicable requirements of this LDC.

(C) **Code Violations Threatening Public Health, Safety and Welfare.**

- (1) The provisions of this section shall not be interpreted to allow for the continued existence of building or other safety code violations that are determined to be a threat to the public health, safety, or welfare.
- (2) The appropriate building, fire, code enforcement officials and inspectors are hereby authorized, in accordance with direction from the Land Use Administrator, or designee, as appropriate, to take any and all necessary steps to enforce all applicable development, land use, building and safety codes even though the subject property is part of an eminent domain process.

(D) **No Liability for Determinations.**

- (1) Many of the determinations made by the Land Use Administrator, or designee, or a hearing officer are based on the City's history and goals and by utilizing "best practice" methods, which are generally consistent with sound land use planning practices and principles. Those determinations are made in the best interest of the community and the Land Use Administrator, or designee, or a hearing officer, shall incur no personal liability as a result of discharging duties in making said determinations.
- (2) The granting of a deviation under this section shall not be considered a non-monetary benefit to the property owner.
- (3) Nothing in this section shall cause the City to be liable for damages, expenses or losses for any action taken by the City pursuant to this LDC.
- (4) The provisions of this section shall not be interpreted to grant or allow a vested right in any particular lot, parcel, structure, use, building, development or property that is subject to or affected by an eminent domain process.

## SECTION 2.12 – VESTED RIGHTS DETERMINATION

### (A) Application.

- (1) The owner or owners of real property, or their expressly authorized agent, may request a determination of vested rights from and against the provisions of this LDC by paying the application fee and filing a technically complete application with the Land Use Administrator, or designee.
- (2) The application form shall contain the following information:
  - (a) The name and address of the applicant who shall be the owner or all owners of the subject parcel of real property or a person expressly authorized to apply on behalf of the owner or owners.
  - (b) A legal description, current tax parcel identification number and survey or a sketch of the real property which is the subject of the application.
  - (c) The name and address of each owner or the real property.
  - (d) A copy of all site or development plans or plats relating to the real property.
  - (e) Identification by specific reference to any ordinance, resolution or other action of the City or failure to act by the City, upon which the applicant relied and which the applicant believes supports the applicant's position relative to the assertion of vested rights relative to the subject real property.
  - (f) A statement of fact which the applicant intends to prove in support of the application that vested rights exist. The application shall fully articulate the legal basis for being allowed to proceed with development without application of otherwise applicable standards.
  - (g) Such other relevant information that the Land Use Administrator, or designee, may request or the applicant may desire to have initially considered.
  - (h) The application shall provide a sworn statement to be executed by all owners of the real property or an authorized agent that all information set forth on the application is true and correct.
- (3) Application Process Vesting application process shall follow Article III, Section 3.2(A) Application Review Process.
- (4) Upon the Land Use Administrator, or designee, accepting a technically complete application, for which the application fee has been submitted, the City Council shall review the application and hold a public hearing and make a final determination as to whether or not it has been clearly and convincingly demonstrated that the real property subject to the application has vested status. Within seven (7) calendar days after making a final determination of vested rights status, the City Council shall provide the applicant with written notification of the determination of vested rights status in the form of a development order, if the application is approved, or a denial development order, in accordance with the provisions of F.S. § 166.033, if the application is denied. All orders shall contain findings of facts, conclusions of law and the operative order constituting the decision of the City Council. If the City Council determines that vested rights exist and that development may proceed, the applicant shall have the right to rely upon such development order that the real property is vested and the determination that the real property is vested shall be final and not subject to appeal, revocation or modification. Thereupon, permits may be granted, and development shall comply with the applicable standards except those against the development is vested from as set forth in the development order issued by the City Council.
- (5) At the hearing, the applicant shall present evidence in support of the application.
- (6) The City Council's decision to grant or determine vested rights status shall be final subject, however, to appeal in accordance with State law.

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# Article III: Development Agreements, Orders, and Permits

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## SECTION 3.1 – PURPOSE

This article sets forth the minimum requirements and procedures for obtaining approval for development agreements, orders, and permits.

## SECTION 3.2 – GENERAL APPLICATION PROCESS

### (A) Application Review Process.

- (1) **Pre-Application.** Prior to submitting an application, the applicant may schedule a pre-application conference with the Land Use Administrator, or designee. A pre-application meeting is required for applications that include a development agreement.
- (2) **Application Submittal.** It shall be the responsibility of the applicant to request and obtain all required application forms and information that constitute a sufficient application and pay all required fees. The applicant shall submit a sufficient application including the application form, required plans, supporting information, power of attorney (to allow parties to act on behalf of the applicant and/or property owner), and all applicable fees to the Land Use Administrator, or designee, for review. The application shall also include a description of and justification for any requested deviation to a LDC minimum requirement.

### (B) Sufficiency Review.

- (1) Upon receipt of an application, the Land Use Administrator, or designee, shall conduct a sufficiency review to determine if the application contains all required forms, plans, supporting information, and fees. Following the review, the Land Use Administrator, or designee, will notify the applicant that the application is either sufficient or insufficient for review.
- (2) If the application is found insufficient, the notification will list the information that shall be submitted for the application to be found sufficient. Prior to submittal of the required information, the applicant may request a meeting with the Land Use Administrator, or designee, to review the notice of insufficiency and the information that shall be submitted to constitute a sufficient application.
- (3) If the application is found sufficient, the application will proceed to compliance review.

### (C) Compliance Review.

- (1) A sufficient application will undergo a compliance review to determine if the application:
  - (a) Is consistent with the Comprehensive Plan; and
  - (b) Complies with applicable requirements of this LDC, Engineering Standards Manual, Florida Fire Prevention Code, Florida Building Code, and such other codes and ordinances that the Land Use Administrator, or designee, may deem appropriate at this stage of review.
- (2) If the Land Use Administrator, or designee, determines that the application fails to comply with one (1) or more of the above requirements, it shall find the application non-compliant. The applicant may also appeal the non-compliance finding(s) as provided for in this LDC.

### (D) Progress Conferences.

At any time during the review process for any application, the applicant may request a progress conference with the Land Use Administrator, or designee. Progress conferences are encouraged and may assist in expediting the approval of the application.

### (E) Abated Application.

An application shall be abated when no activity occurs for six (6) consecutive months. The Land Use Administrator, or designee, shall issue a notice of abated application to the applicant. Any submittal after the issuance of a notice of abated application shall require the payment of an abated application fee and shall comply with any amendments to this LDC, the Engineering Standards Manual, Florida Building Code, Fire Prevention Code and any other pertinent code or ordinance enacted after the last review of the application.

### (F) Abandoned Application.

An application shall be abandoned when no activity occurs for twelve (12) consecutive months. The Land Use Administrator, or designee, shall issue a notice of abandoned

application to the applicant. Any submittal after the issuance of a notice of abandoned application shall constitute a new application.

### SECTION 3.3 – DEVELOPMENT AGREEMENTS

#### (A) General Requirements.

- (1) A development agreement may be entered into by an applicant and the City Council to provide for matters that relate to the unique conditions of the real property to be developed, the relationship between the public and private aspects of the development, or other terms and conditions that are not typical of a normative approval of a development order. Development authorized by a development agreement may be phased. The development agreement may provide that the entire development or any phase thereof shall be commenced or completed within a specific period of time. Each development agreement shall demonstrate benefit to the public and the application fee shall be paid to the City before any processing occurs except as specifically provided herein.
- (2) Development agreements will generally:
  - (a) Allow for multiple access points within the development.
  - (b) Allow for diversification of uses, structures, and open spaces in a manner compatible with existing and permitted land uses on abutting properties.
  - (c) Allow for a reduction in energy costs through a more efficient use of land design.
  - (d) Allow for the preservation of natural amenities and environmental assets of the land by encouraging the preservation and improvement of scenic and functional open areas.
  - (e) Encourage an increase in the amount and use of open space areas by permitting a more economical and concentrated use of building areas than would be possible through conventional zoning districts.
  - (f) Provide unique economic development, provision of public infrastructure or similar benefits to the City.
- (3) Statutory development agreements may be entered into under the authority of the Development Agreement Act as set forth in controlling State law and processed in accordance with the requirements of State law.
- (4) Non-statutory development agreements may be entered into under the authority of the home rule powers of the City under Article VIII, Section 2 of the Constitution of the State of Florida Chapter 166, Florida Statutes, and other controlling law.
- (5) A development agreement shall be required for:
  - (a) The development of property designated planned unit development on the official zoning map;
  - (b) The sharing of infrastructure;
  - (c) The development of property associated with a Master Land Use Plan; and
  - (d) Phased development.
- (6) A development agreement is transferable. However, so long as the land or structure or any portion thereof covered under the development agreement continues to be used for the purposes for which it was issued, then no person (including successors and assigns of the person who obtained the development agreement) may make use of the land except in accordance with the conditions and requirements of the development agreement. The provisions of the development agreement run with and burden the real property to which it relates until released or amended in accordance with formal action of the City.
- (7) Non-Statutory Development agreements shall provide a planning horizon. For properties developed within the planning horizon, the standards within the development agreement shall not

expire. Any undeveloped property within the development agreement, after the planning horizon is complete, shall follow the LDC in effect at the time of the development.

**(B) Development Agreement Review Process.**

- (1) **Application Submittal.** Application for a development agreement shall be made in a form to be prescribed by the Land Use Administrator, or designee. The application shall include a draft development agreement prepared by the applicant and supporting information.

- (C) **Review by the Land Use Administrator.** The Land Use Administrator, or designee, shall review the development agreement and negotiate such further terms and conditions as the Land Use Administrator, or designee, shall deem to be appropriate and necessary to protect the public's interest, safety, health or welfare, and in furtherance of the comprehensive plan, and/or City Council goals and policy direction.

The Land Use Administrator, or designee, shall review the development agreement and formulate a recommendation. The recommendation shall be based upon whether a development agreement will facilitate the purposes and intents of this Land Development Code, Comprehensive Plan and/or City Council goals and policy direction. The Land Use Administrator, or designee, shall forward the recommendation to the LPA for review and consideration.

**(D) Review and Recommendation by the City Attorney.**

- (1) **Non-Statutory Development Agreements.** The City Attorney shall review the proposed development agreement, formulate recommendations on the proposed development agreement, and forward such recommendations to the Land Use Administrator. The City Attorney's recommendations shall be forwarded to the applicant, LPA, and/or City Council.
- (2) **Statutory Development Agreements.** The City Attorney shall review the proposed development agreement for compliance with Chapter 163, Florida Statutes, formulate recommendations on the proposed development agreement, and forward such recommendations to the Land Use Administrator, or designee, LPA, and/or City Council.

**(E) Review and Recommendation by LPA.**

- (1) **Non-Statutory Development Agreements.** The LPA shall review an application for a non-statutory development agreement and the recommendations of the Land Use Administrator, or designee, and City Attorney. The LPA shall make a written recommendation to the City Council to approve, approve with revisions, or deny the proposed non-statutory development agreement.
- (2) **Statutory Development Agreements.** The LPA shall conduct a public hearing to review a proposed statutory development agreement and the recommendations of the Land Use Administrator, or designee, and City Attorney. The LPA shall make a written recommendation to the City Council to approve, approve with revisions, or deny the proposed development agreement.

**(F) Review and Action by the City Council.**

- (1) **Non-Statutory Development Agreements.** The City Council shall review an application for a non-statutory development agreement, the recommendations of the Land Use Administrator, or designee, LPA, and the City Attorney, and any other written submittals; and act to approve, approve with revisions, or deny the application for development agreement.
- (2) **Statutory Development Agreements.** The City Council shall conduct a public hearing to review an application for statutory development agreement, the recommendations of the Land Use Administrator or designee, City Attorney, LPA, and any other written submittals; and act to approve, approve with revisions, or deny the application for development agreement.

**(G) Action Subsequent to Approval of the Agreement by the City Council.**

- (1) **Non-Statutory Development Agreements.** Subsequent to approval of the application for development agreement, the applicant shall submit to the Land Use Administrator, or designee, and City Attorney for review a final development agreement consistent with the approval granted.

The Mayor shall execute the development agreement on behalf of the City after approval as to form by the City Attorney.

- (2) **Statutory Development Agreements.** Subsequent to approval of the application for development agreement, the applicant shall submit to the Land Use Administrator, or designee, and City Attorney for review a final development agreement consistent with the approval granted. The Mayor shall execute the development agreement on behalf of the City after approval as to form by the City Attorney.

**(H) Recordation.**

- (1) **Non-Statutory Development Agreements.** The City Clerk shall record the development agreement in the Public Records of Seminole County within fourteen (14) days after execution by the Mayor. The applicant shall pay the costs to record the development agreement. The City Clerk shall provide a certified copy of the recorded development agreement to the applicant and the Land Use Administrator, or designee, once the development agreement is returned by the Seminole County Clerk of the Court.
- (2) **Statutory Development Agreements.** The City Clerk shall record the development agreement in the Public Records of Seminole County per the requirements of Chapter 163, Florida Statutes. The applicant shall pay the costs to record the development agreement. The City Clerk shall provide a certified copy of the recorded development agreement to the applicant and the Land Use Administrator, or designee, once the development agreement is returned by the Seminole County Clerk of the Court. The Land Use Administrator, or designee, shall submit a copy of the recorded development agreement to the Florida Department of Community Affairs per the requirements of Chapter 163, Florida Statutes.

**(I) Amendment or Termination of a Development Agreement.**

- (1) **Non-Statutory Development Agreements.** A non-statutory development agreement may be amended or terminated by mutual consent of the parties to the agreement or their successors in interest. Approval of an amendment to or termination of a non-statutory development agreement shall follow the same process as the approval of the executed development agreement.
- (2) **Statutory Development Agreements.** A statutory development agreement may be amended or terminated per the requirements of Chapter 163, Florida Statutes.

**(J) Amendment to Comply with Relevant State or Federal Laws**

- (1) **Non-Statutory Development Agreements.** A non-statutory development agreement shall be amended as may be necessary to comply with relevant State or Federal laws enacted after the execution of the agreement which preclude compliance with a term or provision of the agreement. Approval of such amendment shall follow the same process as the approval of the executed development agreement.
- (2) **Statutory Development Agreements.** A statutory development agreement shall be amended as may be necessary to comply with relevant State or Federal laws enacted after the execution of the agreement, which preclude compliance with a term or provision of the agreement per the requirements of Chapter 163, Florida Statutes.

**(K) Application of Subsequently Adopted Local Laws and Policies.**

- (1) **Non-Statutory Development Agreements.** Development that is subject to a non-statutory development agreement shall be subject to subsequently adopted City laws and policies when the planning horizon timeframe for the development is no longer in effect.
- (2) **Statutory Development Agreements.** The City may apply subsequently adopted laws and policies to a development that is subject to a statutory development agreement per the requirements of Chapter 163, Florida Statutes.



## SECTION 3.4 – DEVELOPMENT ORDERS

### (A) Development Orders.

(1) Development Orders include the following:

- (a) Site Development Order.
- (b) Redevelopment Order.
- (c) Special Exception Use Order.
- (d) Architectural Design Order.

### (B) Site Development Orders.

(1) **General.** The use of property shall not be changed; clearing, grading, excavation or paving shall not be commenced; building or other structures shall not be constructed, erected, moved, or altered except in accordance with and pursuant to an approved site development order. Issuance of a site development order authorizes the recipient to commence the activity specified on the order. The intended use, however, may not be commenced; no building may be occupied; and in the case of subdivisions, no lots may be sold until all requirements of this LDC and all additional requirements pursuant to the approval of the site development order have been complied with. Issuance of a site development order shall be required for the following:

- (a) New development.
- (b) Redevelopment.
- (c) Subdivision of land (more than three (3) lots).
- (d) Renovation (any increase in square footage and/or increase in impacts).
- (e) Change in use that increases the intensity or substantially modifies the site.
- (f) Any other action or approval required by the Land Use Administrator, or designee.

(2) **Application Review Process.** The review process shall be in accordance with LDC Section 3.2, General Application Process.

(3) **Amendment to Comply with Order Approving Authority Consideration.**

- (a) The applicant may amend the application prior to order-approving authority's consideration of the application. The applicant may also agree to amend the application during the order-approving authority's consideration of the application. Said amendments shall be made prior to the issuance of the site development order. Such activities shall not constitute denials under the provisions of F.S. § 166.033.
- (b) The approving authority may attach to the development order any reasonable conditions or requirements in addition to those specified above. Such additional conditions or requirements shall be entered on the site development order and are enforceable in the same manner and to the same extent as the requirements specified above. To the extent that adding conditions of approval results in denial of the application, a denial development order shall be issued in accordance with the provisions of F.S. § 166.033.

(3) **Issuance of Site Development Order.** For purposes of this section, a site development order is issued when the order-approving authority approves the application in writing. When an application is found to be compliant, a site development order shall be issued by the approving authority. The site development order shall be executed by the property owner(s), or authorized representative, and the Land Use Administrator, or designee. The City Clerk shall record the site development order in the Public Records of Seminole County within fourteen (14) days of execution by the City. The applicant shall pay the costs to record the site development order. The City Clerk shall provide a certified copy of the recorded site development order to the applicant and Land Use Administrator,

or designee, once the site development order is returned by the Seminole County Clerk of the Court.

- (4) **Effect of Site Development Orders on Successors and Assigns.** Site Development Orders are transferable. However, so long as the land or structure or any portion thereof covered under the site development order continues to be used for the purposes for which it was issued, then no person (including successors and assigns of the person who obtained the site development order) may make use of the land except in accordance with the conditions and requirements of the site development order. The provisions of the site development order run with and burden the real property to which it relates until release or amended in accordance with formal action of the City.
- (5) **Amendment to an Approved Site Development Order.** An application to amend an approved site development order shall be processed and reviewed in the same manner as the application for the approved site development order.
- (6) **Expiration.** All site development orders, unless otherwise provided in the site development order, shall expire automatically if, within one (1) year after the issuance of such orders:
  - (a) The use authorized by a site development order has not commenced and continued in bona fide good faith (during any twelve-month period less than twenty-five (25) percent of the total remaining cost of construction, erection, alteration, excavation demolition or similar work has been performed), or the application for the next required development approval has not been approved.
  - (b) Less than ten (10) percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work directly associated with a site development order has been completed on the site. With respect to phased development, this requirement shall apply only to the approved phase.
  - (c) For all years following the first year, a development permit shall expire automatically, if during any twelve-month period less than twenty-five (25) percent of the total remaining cost of construction, erection, alteration, excavation, demolition or similar work on any development authorized by a development permit has been completed on the site.
- (7) **Extensions.** The approving authority may extend the expiration date of a site development order for a maximum of twelve (12) months if the application for extension is filed prior to the expiration date and it concludes that:
  - (a) The site development order recipient has proceeded with due diligence and in good faith; and
  - (b) Conditions have not changed so substantially as to warrant a new application.
  - (c) The order approving authority may grant successive extensions for a maximum of twelve (12) months upon the same findings, subject to compliance concurrency management requirements of this LDC.
- (8) **Maintenance of All Areas, Improvements, and Facilities.** The recipient of a site development order, or his successor, shall be responsible for maintaining all areas, improvements, or facilities required by this LDC or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private streets and parking areas, water and sewer lines, drainage areas and recreational facilities shall be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading shall be maintained in a state of vigorous good health and immediately be replaced if dead or are destroyed. Canopy trees required for shading or buffering, shall be maintained according to their natural growth form and shall not be excessively pruned without approval from the City.
- (9) **Issuance of Permits for Final Engineering Plans.** After issuance of a Site Development Order – Final Engineering, the following development permits consistent with the approved plans may be

granted, at no charge, at the preconstruction meeting: Site Construction Type II, Clearing, Grading and Tree Removal, and Right-of-Way Type II.

**(C) Redevelopment Orders.**

- (1) It is recognized that the City Council desires to encourage economic development through redevelopment of existing commercial or office buildings or conversions from residential to office or commercial use.
  - (a) The Land Use Administrator, or designee, is authorized to approve a Redevelopment Order meeting the following criteria:
    - (i) The building size is less than five thousand (5,000) square feet
    - (ii) Use has less than five hundred (500) Average Daily Trips; and
    - (iii) A non-residential development not adjacent to a single-family residential zoning district, excluding all Downtown Mixed-Use Districts; and
    - (iv) The building is not part of a larger development proposal or poses special development issues that require the additional review, as determined by the Land Use Administrator, or designee.
  - (b) The Land Use Administrator, or designee, may approve a reduction in the normal requirements of the Land Development Code administratively up to thirty (30) percent of the minimum LDC requirement, consistent with Table 2.7.1.
  - (c) If a Redevelopment Order does not meet the above criteria, it shall follow the same review process as a Development Order in Section 3.4(B), Site Development Orders.
  - (d) Expiration and extension of a Redevelopment Order shall follow the same process as a Development Order in Section 3.4(B), Site Development Orders.
- (2) **Application Review Process.** The review process shall be in accordance with LDC Section 3.2, General Application Process.

**(D) Special Exception Use Orders.**

- (1) **Purpose and Intent.** The purpose of this subsection is to ensure that a special exception use is only permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity and is otherwise consistent with sound land use planning practices and principles and does not affect the public interest. This subsection sets forth provisions and criteria for consideration of special exception uses on specific sites. Special exception uses shall be permitted only upon a finding by the City Council that the proposed use satisfies the provisions of this subsection.
- (2) **Criteria for Approving a Special Exception Use.** A special exception use may be permitted upon a finding by the City Council that the proposed use, application, and, if applicable, development plan complies with the criteria herein specified, including specific conditions established by the City Council during its review of the respective application in order to ensure compliance with the Comprehensive Plan and this LDC. Applications for a special exception use order shall clearly and convincingly demonstrate the following:
  - (a) **Land Use Compatibility.** The application shall demonstrate that the special exception use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts is compatible with adjacent land uses and will not adversely impact land use activities in the immediate vicinity or otherwise be adverse to the public interest. Compliance with sound and generally accepted land use planning practices and principles shall be demonstrated.
  - (b) **Sufficient Site Size, Adequate Site Specifications, and Infrastructure to Accommodate the Proposed Use.** The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements shall be adequate to accommodate the proposed scale and intensity of special exception use requested. The site shall be of sufficient

size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic and pedestrian circulation, infrastructure, and similar site improvements needed to mitigate against potential adverse impacts of the proposed special exception use.

- (c) **Proper Use of Mitigative Techniques.** The application shall demonstrate that the special exception use has been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
  - (d) **Hazardous Waste.** The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of City approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The special exception use order shall provide for appropriate identification of hazardous waste and hazardous material, regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the City unless the specific location is consistent with the Comprehensive Plan, this LDC, and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
  - (e) **Compliance with Applicable Laws and Ordinances.** A special exception use order application shall demonstrate compliance with all applicable Federal, County, and City laws, codes and ordinances as may be appropriate. The City may place other conditions on the approval of a special exception in order to protect the public health, safety, and welfare.
  - (f) **Commercial Uses in Residential Districts.** Certain commercial uses may be allowed in residential districts with the issuance of a special exception use order. These commercial uses shall conform to the following additional criteria:
    - (i) The development shall be designed to serve the immediate neighborhood. The scale, orientation of buildings, landscaping, signage, buffering, lighting, and other design considerations shall all be found and determined to be compatible, as determined by the City through the review process, with the residential neighborhood.
    - (ii) The development intensity and hours of operation shall be limited in accordance with traffic impact, visual compatibility, and natural site conditions.
    - (iii) Convenient and safe pedestrian and non-motorized vehicular access shall be provided.
    - (iv) The site shall be serviced by central water and sewer.
  - (g) **Additional Criteria Applicable to Specific Land Uses.** The approval authority may require additional information relevant to the proposed site to be submitted with an application for a special exception use order.
- (3) **Review Process.** The review process shall be in accordance with LDC Sections 3.2, General Application Process and 3.4(B), Site Development Order and shall require a public hearing.
- (4) **Powers and Duties of the Land Use Administrator, LPA, and City Council.**
- (a) **Review and Recommendation by Land Use Administrator.** The Land Use Administrator, or designee, shall review the proposed application for special exception use order for compliance with the above requirements; formulate recommendations on the proposed special exception use order; and forward such recommendations to the applicant, the LPA and the City Council.
  - (b) **Review and Recommendation by LPA.** The LPA shall review an application for a special exception use order and the recommendations of the Land Use Administrator, or designee. The LPA shall make a written recommendation to the City Council to approve, approve with revisions, or deny the proposed special exception use order.

- (c) **Review and Action by City Council.** The City Council shall review an application for a special exception use order and the recommendations of the Land Use Administrator, or designee, and LPA and shall conduct a public hearing; and act to approve, approve with revisions, or deny the application for special exception use order. The City Council may attach to the development order any reasonable conditions or requirements. Such additional conditions or requirements shall be entered on the special exception use order and are enforceable in the same manner and to the same extent as the requirements specified above.
- (5) **Issuance of Special Exception Use Order.** For purposes of this subsection, a special exception use order is issued when the City Council approves the application. When an application is found to be compliant, a special exception use order shall be issued by the City Council. The special exception use order shall be signed by the property owner(s), or authorized representative, and the Mayor. The City Clerk shall record the special exception use order with Seminole County within fourteen (14) days of execution by the Mayor and pay the costs to record the special exception use order. The City Clerk shall provide a certified copy of the recorded special exception use order to the applicant and Land Use Administrator, or designee, once the special exception use order is returned by the Seminole County Clerk of the Court.
- (6) **Revocation.** A special exception use order may be revoked if, after notice and a hearing thereon, it is determined by the City, that the use fails to remain compliant with all applicable rules and regulations, including any specific conditions of approval duly mandated by the City Council.
- (7) **Extensions.**
  - (a) The City Council may extend for a period of twelve (12) months the date when a special exception use order would otherwise expire pursuant to Section 3.4(B)(6), Expiration, if it concludes that:
    - (i) The special exception use order has not yet expired,
    - (ii) The special exception use order recipient has proceeded with due diligence and in good faith, and
    - (iii) Conditions have not changed so substantially as to warrant a new application.
  - (b) The City Council may grant successive extensions for periods up to twelve (12) months upon the same findings, subject to compliance with Article IX, Concurrency.
- (8) **Non-Conforming Situations.** Notwithstanding any of the provisions of Article VII, this subsection shall be applicable to special exception use orders issued prior to the date this subsection becomes effective.

**(E) Architectural Design Order.**

- (1) **Purpose and Intent.** The purpose of the Architectural Design Order is to define certain standards of architectural design and site development relative to development within the City. It is believed that adherence to the Architectural Design Order will result in orderly, aesthetically pleasing development that preserves and enhances property values for all owners, and upholds the values on which the City is based.
- (2) Issuance of an Architectural Design Order shall be required for new development, renovation by more than fifty (50) percent in the aggregate, redevelopment or addition regardless of the zoning district in which the development is located for the following uses:
  - (a) Mixed-Use Development,
  - (b) Multifamily Development,
  - (c) Townhome Development,
  - (d) Office Development,
  - (e) Commercial Development,

- (f) Parking Garages, or
  - (g) Institutional use involving buildings with a footprint larger than 30,000 square feet in any zoning district.
- (3) **Prior to Issuance of a Building Permit.** An Architectural Design Order shall be obtained prior to the issuance of a Building Permit. No construction may begin before an Architectural Design Order has been issued by the approving authority.
- (4) **Architectural Design Order Application Submittal.** Application submittal shall include the following:
- (a) Architectural plans, elevations, details and color renderings showing all sides of a building, and sample boards showing sample materials and colors.
  - (b) The applicant shall submit a sufficient application including the application form, required plans, supporting information, power of attorney (to allow parties to act on behalf of the property owner), and all applicable fees to the Land Use Administrator, or designee, for review.
  - (c) A description of and justification for any requested deviation to a LDC minimum requirement.
- (5) **Review and Recommendation.**
- (a) **Application Review Process.** The Sufficiency and Compliance review process shall be in accordance with LDC Section 3.2, General Application Process.
  - (b) The approving authority shall review an application for an Architectural Design Order and act to approve, approve with revisions, or deny the application for the order. The approving authority may attach to the order any reasonable conditions or requirements in addition to those specified above. Such additional conditions or requirements shall be entered on the order and are enforceable in the same manner and to the same extent as the requirements specified above.
- (6) **Issuance of Architectural Design Order.**
- (a) An Architectural Design Order is issued when the approving authority approves the application. An approval of an Architectural Design Order allows the issuance of the Building Permit.
  - (b) When an application is found to be compliant, an Architectural Design Order shall be issued by the approving authority. The order shall be signed by the property owner(s), or authorized representative, and the Land Use Administrator, or designee.
- (7) **Effect of the Architectural Design Order on Successors and Assigns.** Architectural Design orders are transferable. However, so long as the land or structure or any portion thereof covered under the order continues to be used for the purposes for which it was issued, then no person (including successors and assigns of the person who obtained the development order) may make use of the land except in accordance with the conditions and requirements of the order. The provisions of the order run with and burden the real property to which it relates until release or amended in accordance with formal action of the City.
- (8) **Amendment to an Approved Architectural Design Order.** An application to amend an approved Architectural Design Order shall be processed and reviewed in the same manner as the application for the approved Architectural Design Order.
- (9) **Expiration and Extension.** Expiration and extension of an Architectural Design Order shall follow the same process as provided in Section 3.4(B) Site Development Orders.

## SECTION 3.5 – DEVELOPMENT PERMITS

- (A) **General.** A development permit authorizes the actual commencement of tree removal; land clearing, grading, or excavation; paving; utility service installation; construction within City right-of-way; construction of buildings or other structures; or the use of land for an approved special event. Development permits include the following:



- (1) Building permits including the following:
  - (a) Sign Permit
  - (b) Residential clearing, grading, and tree removal permit.
- (2) Commercial clearing, grading, and tree removal permit.
- (3) Commercial tree harvest permit.
- (4) Right-of-way utilization permit.
- (5) Site construction permit.
- (6) Special event permit.
- (7) Tree restoration plan for Individual Residential Lots.

**(B) Review Process.**

- (1) The review process shall follow Section 3.2, General Application Process.
- (2) **Issuance of Development Permit.** For purposes of this section, a development permit is issued when the approving authority delivers a copy of the fully executed permit to the applicant. When an application is found to be compliant, a development permit shall be issued by the approving authority.
- (3) **Permit Display.** The development permit shall be located and maintained upon the site at all times until final inspection or the issuance of a certificate of occupancy, as applicable. For new developments, the permit shall be attached to the "posting board" with other permits. For existing developments and existing single-family residences, the permit shall be displayed so that it is easily visible from the street.
- (4) **Effect of Development Permits on Successors and Assigns.** Development permits are transferable. However, so long as the land or structure or any portion thereof covered under the development permit continues to be used for the purposes for which it was issued, then no person (including successors and assigns of the person who obtained the development permit) may make use of the land except in accordance with the conditions and requirements of the development permit. The provisions of the development permit run with and burden the real property to which it relates until release or amended in accordance with formal action of the City.
- (5) **Amendment to an Approved Development Permit.** An application to amend an approved development permit shall be processed and reviewed in the same manner as the application for the approved development permit.
- (6) **Expiration.** Development permits, unless otherwise provided in other applicable regulations, shall expire as provided below:
  - (a) Building permits shall expire one hundred eighty (180) days after issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced. Failure to obtain an approved inspection within one hundred eighty (180) days of the previous approved inspection shall constitute suspension or abandonment.
  - (b) Clearing, grading, and tree removal permits shall expire one (1) year after issuance.
  - (c) Commercial tree harvest permits shall expire one (1) year after issuance.
  - (d) Right-of-way utilization permits shall expire in accordance with the terms of issuance, but shall automatically expire should any surety that is required terminate or fail to be in place.
  - (e) Sign permits shall expire six (6) months after issuance.
  - (f) Site construction permits shall expire one (1) year after issuance.
  - (g) Special event permits shall expire immediately after the event.

- (h) Tree removal permits for individual residential lots shall expire one (1) year after issuance.
  - (i) Tree restoration plan permits for individual residential lots shall expire one (1) year after issuance.
  - (j) All other permits shall expire in accordance with the terms of issuance or the code or ordinance under which they were issued.
- (7) **Non-Conforming Situations.** Notwithstanding any of the provisions of Article VII, Non-Conforming Situations, this section shall be applicable to development permits issued prior to the date this section becomes effective.
- (8) **Maintenance of All Areas, Improvements, and Facilities.** The recipient of a development permit, or his successor, shall be responsible for maintaining all areas, improvements, or facilities required by this LDC or any permit issued in accordance with its provisions, except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority and fully implemented. As illustrations, and without limiting the generality of the foregoing, this means that private streets and parking areas, water and sewer lines, drainage areas and recreational facilities shall be properly maintained in order that they may be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading shall be maintained in a state of vigorous good health and immediately be replaced if dead or are destroyed. Canopy trees required for shading or buffering, shall be maintained according to their natural growth form and shall not be excessively pruned without approval from the City.
- (C) **Building Permit.** A building permit authorizes the construction, erection, installation, alteration, enlargement, repair, demolition, movement, renovation, or placement of a building or structure. Building permit applications associated with a development order shall include two (2) copies of the approved development order and development plan. A building permit associated with a development order shall not be issued until the development order and architectural design order have been issued, when applicable. The issuance of a building permit shall be subject to the provisions of the Florida Building Code.
- (D) **Clearing, Grading, and Tree Removal Permit.** A clearing, grading, and tree removal permit authorizes the removal of trees, clearing, filling, and/or grading of property. A clearing, grading, and tree removal permit is required for all subdivisions; individual development projects; and tree removal, clearing, filling and/or grading of undeveloped or developed land with no associated development order or building permit.
- (4) **Exemptions.** The following activities shall not require the issuance of a clearing, grading, and tree removal permit:
- (a) Top dressing of lawns with marl, black dirt, sand, peat, or other similar material except in waterfront buffer areas, conservation easements or similar areas or tracts.
  - (b) General mowing.
  - (c) The removal of trees on public or private property under the express direction of the Land Use Administrator, Fire Chief, or Public Works Director within seventy-two (72) hours of an anticipated impact of a major storm (e.g., a hurricane) if the trees constitute a threat to the public safety or the efficient provision of public services in an emergency situation.
  - (d) The removal of trees and plants within a licensed tree nursery that are planted for harvest if planted and growing on the premises of the licensee and are for sale or intended for sale in its ordinary course of business.
- (5) **Application.** In addition to the other pertinent requirements of this LDC, an application for a clearing, grading, and tree removal permit shall set forth in detail the extent of the clearing, filling, or modification of grade; on-site trees and vegetation to be preserved; and the extent of the tree and vegetation removal for which the permit is desired.



- (6) **Criteria.** During the compliance review for a clearing, grading, and tree removal permit application, or any amendments thereto, the approving authority shall consider the following, as applicable to the activity specified in the application. The applicant shall be responsible for obtaining and submitting the following information:
- (a) The drainage of the area and stormwater runoff generated as a result of the modification.
  - (b) The soil erosion potential of the modification and the best management practices proposed for reducing soil erosion.
  - (c) The size, location, health and species of trees or other vegetation.
  - (d) The need for State or other jurisdictional permits.
  - (e) The extent to which existing vegetation and trees will be affected by the proposed activity and the appropriate measures to minimize the negative impacts.
- (7) **Subdivisions.** If the tree removal, clearing, grading, and/or filling of individual lots is not reviewed and approved with the issuance of a development order or site construction permit for a subdivision, a clearing, grading, and tree removal permit shall be issued for each individual lot within the subdivision.
- (8) **Issuance of Clearing, Grading, and Tree Removal Permit.** Prior to the issuance of a clearing, grading, and tree removal permit, the applicant shall stake out the property in accordance with the approved application. Trees and other vegetation to be removed shall be clearly identified. Trees and vegetation to be preserved shall be clearly identified with appropriate protective measures as required by this LDC. The City Arborist or other authorized City representative shall inspect the property to verify that no unauthorized clearing, grading, filling, or tree removal has taken place; appropriate barricades and demarcations are in place; and to ascertain whether or not field modification of the application is necessary to enhance tree preservation on the site. If all of the above work has been satisfactorily completed, the Land Use Administrator, City Arborist or other authorized City representative shall issue the permit.
- (E) **Commercial Tree Harvest Permit.** Commercial tree harvest permits may be granted for the harvesting of trees associated with forestry management, tree harvests, and other similar commercial purposes in accordance with the requirements of this subsection and in zoning districts where such agricultural use is allowed. Commercial tree harvest permits may be requested in lieu of other tree removal permits where no development of the property is intended. Where development of the property is planned, the applicant shall address tree removal within the development order review or normal tree removal processes. The Land Use Administrator, or designee, may grant commercial tree harvest permits as described below.
- (4) Whenever a property is under consideration for a permit, except any property designated agriculture on the future land use map, all owners of property adjacent to the property shall be given notice by mail. Such notice shall be mailed at least ten (10) days prior to the granting of the permit.
  - (5) Following removal of the trees granted by the permit, the applicant shall within twelve (12) months implement reforestation or make an application for development approval of the site. Where forestry or other agricultural use of the property is to continue, seedlings or other forestry or agricultural crops, including pasture, may be planted. Where forestry use is to be abandoned or in districts where it is not a permitted use, replacement of trees shall be required in accordance with this LDC.
  - (6) The Land Use Administrator, or designee, may impose reasonable conditions where need is demonstrated. The City shall be guided by, but not restricted to, the following criteria in imposing such additional conditions:
    - (a) The need to provide buffers to adjacent developed property;
    - (b) The need to protect soils highly susceptible to soil erosion as identified by the soil survey of the county;

- (c) The need to protect slopes in excess of ten (10) percent, particularly near creeks and other bodies of water;
  - (d) The need to protect existing wetlands, floodplains and flood channels and other environmentally sensitive areas; and
  - (e) The need to preserve endangered, threatened or special concern animal and vegetative species, habitats and communities, rare hardwood hammocks, Heritage Canopy Trees or Champion Trees.
- (F) **Right-of-Way Utilization Permits.** Right-of-way utilization permits are required for street, drainage, driveway, sidewalk and other construction activity within the City right-of-way. A single permit may be issued for all work within City right-of-way covered by a development order. A pre-construction meeting may be required. Inspections (with twenty-four (24) hours' notice) are required before, during, and at the end of construction.
- (2) **General Guidelines.** The guidelines listed below are general in nature with the specific construction requirements in the Engineering Standards Manual.
- (a) All subsurface utilities shall provide a minimum of thirty-six (36) inches of cover unless otherwise approved by the City Engineer.
  - (b) No open cuts in pavement will be permitted without approval from the City Engineer.
  - (c) All earthwork shall conform to the requirements of the Engineering Standards Manual.
  - (d) All work beyond five (5) feet of a street shall be compacted to conform to the requirements of the Engineering Standards Manual.
  - (e) All concrete sidewalk and driveway construction shall be performed on compacted subgrade. Applicant shall provide continuous on-site supervision until concrete has set sufficiently to eliminate the possibility of footprints or graffiti in the finish. Concrete that is damaged by severe marks shall be removed and replaced.
  - (f) Bore and jack operations beneath the pavement and approved pavement cuts shall be performed in the presence of an authorized City representative. Twenty-four (24)-hour notice is required.
  - (g) All utility companies shall be notified prior to excavation within an existing right-of-way and excavations shall be coordinated and utility companies shall notify the City of such work when accomplished by them in pursuit of their permitted activities.
- (3) **Type I Permit.** Type I permits are issued for residential driveways, sidewalks, walls and fences.
- (4) **Type II Permit.** Type II permits are issued for street construction, stormwater facilities, and all final site improvements related to an approved development order.
- (5) **Prohibitions.**
- (a) Construction of substantial structures (such as walls) within the City right-of-way is prohibited.
  - (b) Private signs are prohibited in the City right-of-way.
- (6) **Time Limit.** The permit shall be considered valid for sixty (60) days beginning on the date of issuance, except that permits attached to development orders shall adhere to the expiration time frame of the site development order. If work does not commence before the expiration date, the permit shall be void and re-application will be necessary. Work shall be completed by the completion date indicated on the application. Work that is not completed by that date may be subject to a stop work order, re-application, additional fee, or other remedy as may be required by the City.
- (7) **Restoration.** No person shall use City right-of-way or easement for any purpose without first obtaining a permit. In the event that the City rights-of-way or easements are used and/or

construction takes place without a permit, the person shall remove any constructed facility, restore the area to its original condition and cease any non-permitted use, upon written notice of the City.

- (8) **Utility Installation, Maintenance and Repair by Franchised Utilities.** Utilities operating in accordance with a valid City franchise shall comply with Section 3.5(G)(1) in installing, maintaining and repairing any facilities authorized under the franchise. The franchised utility shall provide five (5) workdays advance notice to the City Engineer of its intent to install underground utility lines in the City right-of-way within the franchise area and forty-eight (48) hour notice before maintaining or repairing utility lines or facilities in the City right-of-way. In the case of emergencies, notice shall be provided as soon as practicable thereafter. The notice shall clearly identify the locations of the installation.

- (H) **Sign Permit.** A sign permit authorizes the installation, erection, construction, alteration or relocation of a sign consistent with the provisions of this LDC.

- (I) **Site Construction Permit.** A site construction permit is required for all paving and utility construction.

- (1) **Type I Permit.** Type I permits are issued for individual driveways and similar work.

- (2) **Type II Permit.** Type II permits are issued for construction of new streets, new parking lots and reconfiguration of existing parking lots, utility lines, and all other required site improvements. A preconstruction conference with the City is required for significant projects as determined by the City Engineer.

- (a) **Exceptions.** Parking lot restriping (with no change to parking spaces), milling, and resurfacing activities are exempt from Type II Permits.

- (3) **Inspection and Tests for Required Improvements and Facilities to Be Dedicated to the City.**

- (a) Stage inspections and testing during construction of required improvements and facilities to be dedicated to the City shall be called for and it shall be the responsibility of the developer or his contractor to notify the Public Works Department and arrange for those inspections. Twenty-four-hour notice is required.

- (b) During construction and upon completion of the following construction stages, the contractor shall notify the Development Services Department for inspection before the next stage is begun:

- (i) Stage 1: Clearing and grubbing.

- (ii) Stage 2: Preparation of subgrade; underdrains; curb and gutter; inlets; box culverts; and all other concrete structures when steel is in place prior to pouring.

- (iii) Stage 3: Base course during construction or mixing, finishing base course prior to paving.

- (iv) Stage 4: Asphalt surface during placement.

- (v) Stage 5: Final inspection, including inspections of cleanup and dressing of right-of-way limits; sodding and/or seeding; street name signs and traffic control signs; and pavement markings.

- (c) The City accepts no responsibility or liability for the work, or for any contractual conditions involving acceptance, payment, or guarantees between the contractor and developer, by virtue of any inspection.

- (d) The City assumes no responsibility or commitment guaranteeing acceptance of the work, or for subsequent failure, by virtue of any inspection. If any aspect of the work being performed, however, does not comply with acceptable standards, corrections will be required as a condition for City acceptance.

- (4) **Completion of Required Improvements.** Upon completion of the above inspections, the following items shall be provided to the City:

- (a) Test results as required (unless provided by the City).

- (b) Maintenance bond in a form approved by the City Attorney for facilities to be conveyed to the City. The maintenance bond shall be in the amount of ten (10) percent of the construction cost. During that maintenance period, the owner/developer shall provide any maintenance required, including but not limited to the following:
    - (i) Repair and replacement of any system component, failed section of paving, etc.
    - (ii) Control of erosion, replacement of sod, removal of soil, washed onto pavement or into drainage system.
    - (iii) Upon correction of all deficiencies, and approval of the City Engineer, the maintenance bond shall be released at the end of a two-year period.
  - (c) Record drawings for all improvements both on and off-site, except for utilities not installed by or directed by the developer.
  - (d) Certification by the project engineer that the project is substantially in compliance with approved plans.
  - (e) The City shall schedule and conduct periodic inspections during the two-year maintenance period.
- (J) **Special Event Permit.** All special events shall be required to obtain a special event permit from the City.
- (1) The Land Use Administrator, or designee, shall review an application for a special event, activity or attraction for its potential impact on the surrounding neighborhood and the City as a whole. The Land Use Administrator, or designee, may send copies of the application to other City departments as necessary. A special event permit is required, except as provided in Section 3.5(J)(2) below, for events occurring outdoors on a site for the following activities:
    - (a) Activities held within public right-of-way, including but not limited to, street races, block parties, and parades;
    - (b) Activities held on non-City property with more than two hundred (200) attendees;
    - (c) City signature event;
    - (d) Non-profit events that request off-site signage; and
    - (e) Food trucks used for preparing and selling food unless approved with the issuance of a site development order.
  - (2) **Exempt Activities.** The following events or activities are not required to obtain a special event permit from the City; however, the organizer shall comply with the permitting requirements of the Florida Building Code, Fire Prevention Code, and other City regulations applied by the City:
    - (a) Events located within a City park or facility that do not require street closure;
    - (b) Events sponsored by the City as approved by a resolution adopted by the City Council;
    - (c) Activities or programs implemented solely by the City as a government function;
    - (d) Events organized by places of worship and public and private elementary, middle and high schools, provided all of the following conditions are met:
      - (i) The activity is contained wholly within the limits of property owned by the place of worship or school;
      - (ii) The activity is organized by the place of worship or school; and
      - (iii) The activity does not require City services for its implementation as determined by the Land Use Administrator, or designee.
  - (3) **Duration of the Activity.** No Special Event Permit shall be issued for more than fourteen (14) consecutive days. The fourteen (14) consecutive days duration may be extended upon written

request to the Land Use Administrator, or designee. No more than one (1) single non-recurring Special Event Permit shall be issued within a calendar year.

**(4) Review Process.**

(a) **Application Submittal.** The applicant shall submit a sufficient application including the application form, required plans, supporting information, power of attorney (to allow parties to act on behalf of the applicant and/or property owner), and all applicable fees to the Land Use Administrator, or designee, for review within a minimum of sixty (60) days prior to the proposed event. The Land Use Administrator, or designee, may but shall not be required to reduce the minimum sixty (60) day submittal deadline, provided there is sufficient time for each department to fully review the application.

(b) **Approval by the Land Use Administrator.** Upon receiving a completed application, the Land Use Administrator, or designee, shall route the application to the appropriate departments for review. Based on the comments from the departments and any previous code enforcement notices or violations issued related to a special event or to the Applicant or owner of the property the Land Use Administrator, or designee, may approve an application and issue the special event permit or deny the application. If a Special Event Permit is denied by the Land Use Administrator, or designee, the property owner or applicant may appeal the denial to the City Council in accordance with this LDC and with payment of the applicable fee.

(5) **Hold Harmless Agreement/Insurance.** All applicants for a special event permit shall present documentation that demonstrates the availability of liability insurance coverage listing the City as additional insured as approved by the City's Risk Manager and City Attorney. The applicant shall maintain the liability insurance coverage for the duration of the event. The applicant shall present proof of liability insurance coverage and a release of liability approved by the City Attorney prior to obtaining a special event permit. All applicants shall present the insurance declaration page listing the City as additional insured. All applicants shall sign the City of Oviedo Estoppel Notice, Indemnification, Covenant and Hold Harmless Agreement. The approving authority may waive these requirements where such insurance is deemed unnecessary to protect the public, health, safety, and welfare and, similarly, a "hold harmless" clause is deemed unnecessary to protect the City against potential liability arising from the proposed special event.

(6) **Revocation.** Any special event permit issued pursuant to this LDC is subject to revocation. A Special Event Permit may be revoked if the Land Use Administrator, or designee, determines that:

- (a) The special event is being conducted in violation of any condition of the special event permit;
- (b) The special event organizer or any person associated with the event has failed to obtain any other permit or required documentation pursuant to the LDC and the conditions listed in the special event permit;
- (c) The special event permit was issued in error or contrary to controlling law;
- (d) The facts or assertions in the application have been falsified or misrepresented.

(7) The applicant may appeal a revocation to the City Council in accordance with this LDC and with payment of the applicable fee.

(K) **Outdoor Sales Event.** All outdoor sales of merchandise, not located within a permanent structure, shall be required to obtain an Outdoor Sales Event Permit.

(1) **Criteria.** The Land Use Administrator, or designee, shall review an application for an outdoor sales event activity for its potential impact on the City as a whole. The Land Use Administrator, or designee, may send copies of the application to other City departments as necessary. An Outdoor Sales Event Permit is required for events occurring outdoors on a site for the following activities:

- (a) On sites where such sales were not approved in the approved site development order for such sales; and

- (b) The sale of items including, but not limited to, flowers, food, sidewalk tent sales, fireworks sales, and Christmas tree sales.
- (2) **Duration of the Activity.** No Outdoor Sales Event Permit shall be issued for more than thirty (30) consecutive days. No more than two (2) non-recurring Outdoor Sales Event Permit per parcel shall be issued within a calendar year. For a farmer's market events there will not be a limitation on the number of recurring events.
- (3) **Review Process.**
  - (a) **Application Submittal.** The applicant shall submit a sufficient application including the application form, required plans, supporting information, power of attorney (to allow parties to act on behalf of the applicant and/or property owner), and all applicable fees to the Land Use Administrator, or designee, for review within a minimum of sixty (60) days prior to the proposed event. The Land Use Administrator, or designee, may but shall not be required to reduce the minimum sixty (60) day submittal deadline, provided there is sufficient time for each department to fully review the application.
  - (b) **Approval by the Land Use Administrator.** Upon receiving a completed application, the Land Use Administrator, or designee, shall route the application to the appropriate departments for review. Based on the comments from the departments and any previous code enforcement notices or violations issued related to the outdoor sales event or to the Applicant or owner of the property, the Land Use Administrator, or designee, may approve an application and issue or deny the outdoor sales event permit. If an Outdoor Sales Event Permit is denied by the Land Use Administrator, or designee, the property owner or applicant may appeal the denial to the City Council in accordance with this LDC and with payment of the applicable fee.
  - (c) **Proof of an approved Peddlers Permit.** All applicants for an Outdoor Sales Event permit shall provide proof an approved Peddlers Permit prior to the issuance of an Outdoor Sales Event permit.
- (4) **Hold Harmless Agreement/Insurance.** All applicants for an outdoor sales event permit shall present documentation that demonstrates the availability of liability insurance coverage listing the City as additional insured as approved by the City's Risk Manager and City Attorney. The applicant shall maintain the liability insurance coverage for the duration of the event. The applicant shall present proof of liability insurance coverage and a release of liability approved by the City Attorney prior to obtaining a special event permit. All applicants shall present the insurance declaration page listing the City as additional insured. All applicants shall sign the City of Oviedo Estoppel Notice, Indemnification, Covenant and Hold Harmless Agreement. The approving authority may waive these requirements where such insurance is deemed unnecessary to protect the public, health, safety, and welfare and, similarly, a "hold harmless" clause is deemed unnecessary to protect the City against potential liability arising from the proposed outdoor sales event.
- (5) **Revocation.** Any outdoor sales event permit issued pursuant to this LDC is subject to revocation. An Outdoor Sales Event Permit may be revoked if the Land Use Administrator, or designee, determines that:
  - (a) The outdoor sales event is being conducted in violation of any condition of the outdoor sales event permit;
  - (b) The outdoor sales event organizer or any person associated with the event has failed to obtain any other permit or required documentation pursuant to the LDC and the conditions listed in the outdoor sales event permit;
  - (c) The outdoor sales event permit was issued in error or contrary to controlling law;
  - (d) The facts or assertions in the application have been falsified or misrepresented; and
  - (e) The applicant may appeal a revocation to the City Council in accordance with this LDC and with payment of the applicable fee.



## SECTION 3.6 – SUBDIVISIONS

### (A) General Requirements.

- (1) **Purpose.** The purpose of this section is to establish procedures and standards for the subdivision of land within the City. No person may subdivide land except in accordance with the provisions of this section.
- (2) **Application Review Process.** The review process shall be in accordance with LDC Section 3.2, General Application Process.
- (3) **Approval of Subdivisions.** The subdivision of land shall require the submittal and approval of one (1) of the following:
  - (a) Statutory subdivision;
  - (b) Non-statutory subdivision; or
  - (c) Minor subdivision.
- (4) **Creation of Subdivision by Joint Owners of Land.** Where it may subsequently become evident that a subdivision is being created by the recording of deeds by metes and bounds description of tracts of land, the City may, at its discretion, require all the owners involved to obtain City approval of the subdivision being so created or require all owners of record to jointly conform to the applicable provisions of this section.
- (5) **Effect on Previously Platted Subdivisions.** This LDC shall not affect subdivisions created and recorded prior to adoption of this LDC, but it shall apply to any re-subdividing of such prior subdivision.
- (6) **Relationship of Deeds, Covenants, and Other Private Restrictions to the Regulations for the Subdivision of Land.** It is not intended by the provisions of these regulations to repeal, abrogate, annul, or in any way, impair or interfere with private restrictions placed upon property by deed, covenant, or private agreement, except that where this article imposes higher standards than imposed by such deeds, covenants, or private agreements, then the provisions of this article shall apply. The City shall not be responsible for enforcement of such deeds, covenants, or agreements.

### (B) Statutory Subdivision. A statutory subdivision requires the review and approval of a preliminary subdivision plan and final engineering plan; and review, approval and recordation of a final plat per Chapter 177, Florida Statutes.

- (1) **Preliminary Subdivision Plan.** A preliminary subdivision plan (PSP) shall be approved upon the review, approval, and issuance of a development order.
  - (a) **Exceptions.** When the proposed subdivision includes eight (8) lots or less and no new infrastructure improvements are proposed, a minor subdivision application consistent with Section 3.6(D), Lot Aggregation/Reconfiguration can be sought.
- (2) **Final Engineering Plan.** A final engineering plan may be approved subsequent to the review, approval, and issuance of the development order for the preliminary subdivision plan; or through the review and approval of a site construction type II permit.
- (3) **Final Plat.** A final plat shall be reviewed and approved in accordance with the requirements of this section and Chapter 177, Florida Statutes.
  - (a) **Application.** An application for final plat approval shall include the following:
    - (i) A final plat prepared in accordance with the requirements of F.S. Ch. 177
    - (ii) A development order or a Construction Type II Permit for the required improvements.
    - (iii) A performance guarantee shall be required from an applicant who chooses not to install the minimum required improvements prior to final plat approval. Whether facilities are to be conveyed or dedicated to the City and become part of the City's infrastructure upon

which the public relies upon the City to have in place and maintain, or are to be private in nature, such that private parties such as property owners associations or homeowners association assume responsibility for maintenance, the performance guarantee shall ensure (in the event of default by the applicant) the proper installation of required landscaping, reclaimed water service, potable water service, sanitary sewer service, street, street lighting, recreation equipment, and all other improvements that are to be dedicated to the public, or those improvements that are essential for the development and use of the property, in the event the improvements are to remain a private responsibility. The performance guarantee shall be submitted in one (1) of the following forms:

- a. **Cash Deposit:** The applicant shall deposit with the City or place in an escrow bank account subject to the control of the City, cash in the full amount of one hundred twenty-five (125) percent of construction costs for the installation and completion of the required improvements as determined by either an estimate from the project engineer or copy of the construction contract. In the event of default by the applicant or failure of the applicant to complete such improvements within the time required by this article, the City, after sixty (60) calendar days written notice to the applicant, shall have the right to use such cash deposit or account to secure satisfactory completion of the required improvements; or
- b. **Irrevocable Letter of Credit:** The applicant may furnish to the City an unconditional and irrevocable letter of credit, in an amount equal to one hundred twenty-five (125) percent of the total estimated cost of construction for the installation and completion of the required improvements. The letter of credit shall be issued to the City by a State of Florida or United States banking institution. In event of default by the applicant or failure of the applicant to complete such improvements within the time required by this article, the City, after sixty (60) days written notice to the applicant, shall have the right to use any funds resulting from drafts on the letter of credit to secure satisfactory completion of the required improvements; or
- c. **Performance and Payment Completion Bond:** A performance and payment completion bond, including a payment of vendors clause, shall be furnished and payable to the City in the sum of one hundred twenty-five (125) percent of the total cost of the construction for the installation and completion of landscaping, streets, street and traffic control devices, markings, sidewalks, drainage facilities, street signs, reclaimed water, potable water and sewer facilities and other improvements as shown on the final construction plan. The bond is to run from the date construction begins until the improvements are accepted by the City. In the event of default by the applicant or failure of the applicant to complete such improvements within the time required by this article, the City, after sixty (60) calendar days written notice to the applicant, shall have the right to use such bond to secure satisfactory completion of the required improvements.
- d. **Covenants:** Any protective deed covenants to be placed on the property shall be placed on the face of the plat or provided in a form suitable for recording as approved by the City Attorney.
- e. **Utility Service:** Letters from utility companies stating that all easements are adequate
- f. **Title Certificate:** A certificate of ownership together with all title documents referenced, signed by a licensed attorney at law or an abstract company, in a form approved by the City Attorney and, at a minimum, demonstrating:
  - i. That the parties executing plat are owners of the land embraced by the plat.
  - ii. All mortgages, liens, or other encumbrances.
  - iii. That all City taxes and assessments are paid to date.
  - iv. Description of the plat is correct.



- v. That no conflicting rights-of-way, easements or plats exist.

**(b) Review Process.**

- (i) The statutory subdivision review process shall follow Section 3.3, Development Agreements, and ensure compliance with Chapter 177, Florida Statutes.
- (ii) **Approval of the Final Plat.** The City Council shall approve the proposed plat unless it finds that the plat or the proposed subdivision fails to comply with one (1) or more requirements of this LDC or that the final plat differs substantially from the preliminary subdivision plans and specifications approved by the City Council that authorized the development of the subdivision.
- (iii) **Recording.** Following approval by the City Council, the applicant shall record the final plat in Seminole County.

**(4) Minor Subdivision.**

- (a) **Review Procedures.** A Minor Subdivision shall follow Section 3.2, General Application Process and ensure compliance with Chapter 177, Florida Statutes.
- (b) **Purpose.** Subdivisions not eligible for Non-Statutory Subdivision or Lot Aggregation and:
  - (i) No additional public improvements are required by this LDC, except utility laterals, sidewalks, acceleration/deceleration lanes, and/or fire hydrants;
  - (ii) The street layout will not be affected except for dedication of additional right-of-way, where required;
  - (iii) All building sites front on an existing public or private street;
  - (iv) All lots are serviceable by existing water and sewer lines; and
  - (v) The proposed subdivision includes eight (8) lots or less.
- (c) **Preliminary Subdivision Plan.** A preliminary subdivision plan (PSP) shall be reviewed and approved by the Approving Authority prior to submittal for a Final Plat.
- (d) **Final Plat.** A final plat shall be submitted consistent with the requirements and process listed for Statutory Subdivisions in Section 3.6(B), Statutory Subdivision, to be approved by City Council.

**(5) Vacation of Plats.**

- (a) The owners of any land subdivided into lots may petition the City Council under the provisions of Section 177.101, Florida Statutes, to remove (vacate and abandon) the existing plat, or portion of a plat, from the official records of City. The applicant for vacating a plat, or a part of a plat, shall file a petition; proof of publication of notice of intent; certificate of title; statement of taxes and resolution; and shall pay the appropriate filing fee as established by the City Council. Following review by the City Attorney and appropriate departments, the petition shall be acted upon by the City Council.
- (b) The City Council may, on its own motion, order the vacation and abandonment of all or any part of the subdivision within its jurisdiction. Such action may include the vacation of streets or other parcels, provided that:
  - (ii) The subdivision plat was lawfully recorded more than five (5) years before date of such action by the City Council; and
  - (iii) No more than ten (10) percent of the total subdivision or part thereof has been sold as lots by the original subdivider or his successor in title. Before acting on a proposal for vacation and abandonment of subdivided land, the City Council shall conduct a public hearing, with due public notice in accordance with Chapter 177, Florida Statutes.

- (c) No owner of any parcel of land in a subdivision shall be deprived by the vacation and abandonment of a plat, or a portion of a plat, of reasonable access to such parcel nor of reasonable access therefrom to existing facilities to which such parcel has theretofore had access; provided, however, that such access remaining or provided after such vacation need not be the same as that theretofore existing, but shall be reasonably equivalent thereto.

**(6) Replats and Re-Subdivisions.**

- (a) **Changes to be labeled a replat.** Any change in a previously approved plat shall be labeled a replat, and a replat shall conform with this part. An application for a replat shall be processed and reviewed in the same manner as the application for the Final Plat.
- (b) **Substantially Similar Plats.** If a platted area is proposed to be platted again and if the proposed plat is substantially similar in design, layout, and concept to the original plat, as determined by the Land Use Administrator, or designee, and; if all lots, streets, and easements are in conformance, without variance, to this LDC or other appropriate standards, only a final plat complying with the requirements of these regulations needs to be filed.
- (c) **Corrective Plats.** In the event an appreciable error or omission in the data shown on any plat duly recorded under the provisions of this article and Chapter 177, Florida Statutes, is detected by subsequent examination or revealed by a retracement of the lines during the original survey of the lands shown on such recorded plat, the land surveyor who was responsible for the survey and the preparation of the plat as recorded may file an affidavit confirming that such error or omission was made. However, the affidavit shall state that he or she has made a resurvey of the subject property in the recorded subdivision within the last ten (10) days and that no evidence existed on the ground that would conflict with the corrections as stated in the affidavit. The affidavit shall describe the nature and extent of such error or omission and the appropriate correction that, in his or her opinion, should be substituted for the erroneous data shown on such plat or added to the data on such plat. Said affidavit shall be filed and recorded in accordance with F.S. Ch. 177.

**(7) Protection Against Defects.**

- (a) **Time Extensions.** All required improvements for a project or each phase thereof shall be completed within a required time period from the date of preliminary subdivision plan approval. Time extensions for demonstrated good cause may be granted by the City Council upon the recommendation of the City Engineer. The applicant shall present a written request for extension to the Land Use Administrator, or designee. Each time extension shall not exceed the time period required and any extension shall be subject to all surety instruments relating to performance guarantees also being extended.
- (b) **Inspections.** After submittal of the final plat and supplementary material, an applicant may construct the required improvements subject to obtaining all required permits and development orders. The City Engineer shall be notified in advance of the date of commencement of such construction.
  - (i) **Inspection.** Construction shall be performed subject to inspection by, and shall at all times be subject to, review by the City Engineer; however, this in no way shall relieve the applicant and his or her engineer of the responsibility for close field coordination and final compliance with the approved plans, specifications and the requirements of this ordinance.
  - (ii) **Construction Administration by Florida Registered Engineer.** The applicant shall use a Florida registered engineer for complete administration of the construction of the required improvements. The applicant shall require progress reports and final certification of the construction of the required improvements from such engineer be filed with the Land Use Administrator, or designee.
  - (iii) **Right to Enter.** The City Engineer or his or her duly authorized representative shall have the right, as a condition of approval, to enter upon the property for the purpose of inspecting

the quality of materials and workmanship and reviewing the construction of required improvements during the progress of such construction.

- (iv) **Stop Work Orders.** The Land Use Administrator, or designee, the City Engineer or other duly appointed City Official shall have the authority to stop the work upon failure of the applicant or the project engineer to coordinate the construction of the required improvements as prescribed by this article. All stop work orders shall be reviewed by the City Attorney prior to issuance,
  - (v) **Final Inspections.** Upon completion of the required improvements the applicant's engineer shall provide the City Engineer with a notice requesting final inspection of the required improvements, landscaping, and sign installations. The City Engineer may withhold or deny approval of certificates of occupancy relative to buildings and/or structures of a subdivision until the construction and installation of required improvements of that subdivision have been satisfactorily completed in accordance with this LDC.
  - (vi) **Certification of Construction.** The required improvements shall not be considered complete until a completion certificate along with the final project records, including "as built" drawings have been furnished to, reviewed and approved by the City Engineer. The certificate shall be certified by the applicant's engineer stating that the required improvements were installed under his or her responsible direction and that the improvements conform to the approved construction plans and this LDC. The applicant's engineer shall also furnish a copy of each of the construction plans on a high quality, durable reproducible material acceptable to the City Engineer, showing the original design in comparison to the actual finished work and a copy of the measurements, tests and reports made on the work and material during the progress of the construction. This certification shall be a condition precedent to acceptance by the City of the offer of dedication of such facilities or improvements.
- (8) **Conditions for Release of Applicant from Surety.** As a condition for the final release of the applicant from the surety instrument(s) providing performance guarantees, the following shall be furnished and all proposed releases shall be reviewed by the City Attorney prior to issuance.
- (a) A certification by the applicant's engineer that all work has been completed in strict accordance with the approved development plan and appropriate specifications along with the submission to the City Engineer of a complete set of "as built" drawings together with operating manuals and parts' lists for any mechanical installations made;
  - (b) Evidence by reference to plat book and page that the approved final plat has been recorded;
  - (c) A report from the City Engineer that he or she has found the work to be in accordance with the general provisions of the development plan;
  - (d) A report by the applicant's surveyor that he or she has completed all the survey work required and that all requirements of Chapter 177, Florida Statutes have been accomplished; and
  - (e) A release from the contractor, engineer, surveyor and any other person or persons performing any service or furnishing any material for the subdivision that they will not file a lien on the subdivision for nonpayment of service or material charges.
- (9) **Applicant's Failure to Complete Required Improvements.**
- (a) **In Cases Where Plat Has Not Been Recorded.** Where an applicant has elected to install the required improvements prior to recording of the plat and fails to complete such improvements within the time limitations of this LDC, all approvals of the subdivision shall be null and void and the land use entitlements shall revert to their original state. No reference shall be made to the plat with respect to the sale of lots or issuance of building permits, unless and until the plat has been resubmitted with all of the supplementary material and approvals as herein prescribed have been granted.

- (b) **In Cases Where Plat Has Been Recorded.** When a plat has been recorded and the applicant fails to complete the required improvements as required by this LDC, the City may complete the required improvements under the performance guarantees provided by the applicant. In such case, the City Council shall direct the City Attorney to call upon the guarantees to secure satisfactory completion of the required improvements. Legal notice of such action shall be deemed to have been duly served upon posting of the property and mailing a notice to the address designated on the application. Upon the completion of the required improvements, the City Engineer shall report to the City Council, and the Council shall accept by resolution the dedications and maintenance responsibility as indicated on the plat. In such cases, the remaining guarantees posted by the applicant shall be retained for a period of two (2) years after completion in lieu of the agreement. Any defects occurring during this period shall be repaired using funds remaining in the guarantee.

(10) **Maintenance of Improvements.**

- (a) **Workmanship and Material Agreement.** The applicant shall execute an agreement guaranteeing the required improvements against defect in workmanship and materials for two (2) years after acceptance of such improvements by the City Council. Said agreement shall be submitted to the Land Use Administrator, or designee, along with the completion certificate and project records.
- (b) **Default by Applicant.** In the event of default in reasonable maintenance as determined by the City Engineer, the Land Use Administrator, or designee, shall do either of the following:
  - (i) Demand performance within ten (10) days; or
  - (ii) Call the sureties required under this LDC and expend all sums as required without restriction or limitation to cure defaults or remove structures when required.

(11) **Procedure for Accepting Dedications.** Approval of a final plat does not constitute acceptance by the City of the offer of dedication of any streets, sidewalks, parks, or other public facilities shown on a plat. The following procedures shall be used for accepting dedications.

- (a) **Acceptance of the Dedications.** The applicant shall apply to the City for acceptance of required improvements by the City Council. The acceptance of the dedication shall be subject to the inspection and approval of the City Engineer. Such acceptance shall occur only upon adoption of a resolution by the City Council which shall accept the subject dedications at such time as all improvements meet or exceed the standards set forth by this ordinance. The applicant's engineer shall furnish to the Land Use Administrator, or designee, in writing a sealed and signed certificate, as approved by the City Attorney, stating that the required improvements have been completed in accordance with the approved plan and comply with this LDC and all other applicable codes and ordinances.
- (b) **Inspection by the City Engineer.** The City Engineer shall receive notice in adequate time to arrange for inspection prior to the beginning of construction and at appropriate staged intervals thereafter. The City Engineer may require laboratory or field tests as well as staged inspections at the expense of the applicant when appropriate. Any failure of work or materials to conform to the plans and specifications or failure to notify the City in time for indicated inspections shall be cause for the City Council to reject the facilities.
- (c) **Recommendation of City Engineer.** The City Engineer upon satisfactory completion, receipt of the applicant's engineer's completion certificate, affidavits from all contractors and others who furnished goods and services for the required improvements acknowledging payment in full therefore, and receipt of the agreement shall certify that the applicant has complied with all of the provisions of this LDC and shall recommend to the City Council the acceptance of the dedications and, when applicable, the maintenance of the required improvements.
- (d) **Acceptance by the City Council.** Upon recommendations by the City Engineer and the City Attorney, the City Council, by resolution, shall approve the subdivision, the dedications on the plat and the improvements or guarantees relating thereto.

- (12) **Modifications.** Any applicant may request a modification from strict compliance with subdivision requirements provided that such request does not conflict with the controlling requirements of Chapter 177, Florida Statutes. Such request for modification shall comply with the requirements and procedures set forth in this LDC. The request shall be in written form; accompany the proposed plan in question; identify the requirement or provision that is proposed to be modified; and fully explain the reasons that such modification should be permitted, as well as indicate what will be accomplished in lieu of the requirements. The Land Use Administrator, or designee, has the authority to accept or reject such request based on reasonableness and sound and generally accepted land use planning practices and principles.
- (a) **Resolution of Technical Issues.** Upon acceptance of a request by an applicant as set forth above, the Land Use Administrator, or designee, shall have the authority to act upon a request for modification when such request is primarily of a technical nature. Such request shall involve a technical specification or requirement such as but not limited to the type of materials, type or manner of application of materials, installation sequence, material performance, construction technique or requirement for specific construction feature. Further, the modification shall not constitute a policy question. In granting such request for modification, the Land Use Administrator, or designee, shall make specific affirmative findings respecting each of the controlling criteria, and may prescribe appropriate conditions and safeguards, which shall become a part of the terms of subdivision approval.
- (b) **Referral of Policy Issues to City Council.** If the request of a modification regards a requirement or provision that is not determined to be a technical issue by the Land Use Administrator or designee, such a request for modification shall be regarded as a policy issue. The Land Use Administrator, or designee, shall refer requests for a modification regarding a policy issue to the City Council for action. The City Council shall render decisions regarding such modifications based on findings pursuant to the controlling criteria set forth in this LDC. In granting such modification, the City Council may prescribe appropriate conditions and safeguards, which shall become a part of the terms under which the subdivision is approved.
- (c) **Criteria for Consideration of a Modification.** Before any modification may be granted, the following criteria shall be met:
- (i) **Purpose and Intent, Comprehensive Plan.** The modification is consistent with the stated purpose and intent of this LDC and with the Comprehensive Plan.
- (ii) **Public Interest, Adjacent Property:** The modification will not have a significant adverse impact on the public interest, or on adjacent property.
- (iii) **Specific Standards:** No modification may be granted unless the applicant clearly shows the existence of one (1) or more of the following:
- (a) **Superior Alternatives:** The development will provide an alternative which will achieve the purposes of the requirement through clearly superior design, efficiency, or performance.
- (b) **Protection of Significant Features.** The modification is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.
- (c) **Deprivation of Reasonable Use.** Strict application of the requirement would deprive the owner of all reasonable use of the land to be subdivided, due to its unusual size, shape, topography, natural conditions, or location provided that:
- (i) Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case, and
- (ii) The unusual conditions involved are not the result of actions of the developer or property owner.



- (d) **Technical Impracticability.** Strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions or location, of the land or due to improved efficiency, performance, safety, or construction practices which will be realized by deferral of the installation of required improvement provided that:
  - (i) The development will provide an alternative adequate to achieve the purposes of the requirement including but not limited to, security for the current construction cost, adjusted for inflation, of any required improvements which may be deferred; and,
  - (ii) Any unusual conditions creating the impracticability are not the result of the actions of the developer or property owner.
- (e) **Regulation Has No Relationship to the Proposed Development or Its Impacts.** Where all or any part of the regulation has no relationship to the needs of the subdivision, or to its impact on the public facilities, land use, traffic, or environment of the neighborhood and the general community, due to the location, scale, or type of development involved; provided, however, that any specific modification requirements set forth in these regulations are met.
- (f) **Planned Unit Developments.** If the subdivision relates to a planned residential or mixed-use project and the regulation is inconsistent with the prior approvals of the planned unit development.
- (g) **Non-Residential Subdivisions:** If the subdivision relates to a non-residential development and the subdivision requirement is clearly applicable only to residential subdivisions in view of their unique needs, impacts, and characteristics.
- (d) **Conditions for Approval.** Reasonable conditions, and additional or alternative requirements, including but not limited to those relating to the provision of adequate security to ensure compliance, the dedication or reservation of land, or the provision of funds in lieu of installation of improvements or dedication or reservation of land, may be imposed in connection with the approval or any modification of any requirements under this LDC.

**(C) Non-Statutory Subdivision. (Lot Split)**

- (8) **Criteria.** Property, that has not been previously platted or property that is within an antiquated subdivision, may be subdivided into two (2) new lots or less by means of a non-statutory subdivision application. A parent tract may be divided once, without complying with the subdivision regulations provided the tract meets the criteria set forth below. Any further division of any portion of the parent tract shall be deemed a subdivision and shall comply with the subdivision requirements. In order for the Land Use Administrator, or designee, to approve an application for non-statutory subdivision, the following criteria shall be met.
  - (a) The subdivision of the property will not create more than two (2) additional lots for a total of three (3) lots.
  - (b) No new public or private rights-of-way are being created.
  - (c) Each lot shall conform to the minimum lot size, width, and setbacks of the applicable zoning district and other minimum lot requirements of this LDC.
  - (d) Each new lot shall have a minimum of twenty (20) feet of lot frontage directly accessing a public or private right-of-way (streets or alleys). The lot shall maintain a minimum of twenty (20) feet in width from the narrowest portion of the property accessing a public or private right-of-way connecting to the largest portion of the lot. If a joint access driveway is proposed, the driveway shall conform to the minimum requirements of the Engineering Standards Manual and Florida Fire Prevention Code, as applicable, and be implemented by means of a cross-access easement approved by the City Attorney. If a joint-access driveway is proposed it shall not be

considered lot frontage unless each side has a minimum of twenty (20) feet in width accessing the public or private right-of-way.

- (e) If septic tanks are to be utilized, the applicant shall demonstrate the ability to obtain permits from the Seminole County Health Department for each lot.

**(9) Review Procedures.**

- (a) A Non-Statutory Subdivision shall follow Section 3.2, General Application Process.

- (i) The applicant may amend the application prior to the approving authority's consideration of the application. The applicant may also agree to amend the application during the approving authority's consideration of the application. Said amendments shall be made prior to the recordation of the non-statutory subdivision affidavit. Amendments shall not be considered to be denials subject to the provisions of Section 166.033, Florida Statutes.

- (ii) The Land Use Administrator, or designee, may attach to the non-statutory subdivision affidavit any reasonable conditions or requirements in addition to those specified above. Such additional conditions or requirements shall be entered on the non-statutory subdivision affidavit and are enforceable in the same manner and to the same extent as the requirements specified above. If the applicant does not accept the conditions imposed, such action shall not constitute a denial under Section 166.033, Florida Statutes.

- (b) **Issuance of Non-Statutory Subdivision Affidavit.** For purposes of this section, a non-statutory subdivision affidavit is issued when the Land Use Administrator, or designee, delivers a copy of the fully executed affidavit to the applicant. When an application is found to be compliant, a non-statutory subdivision affidavit shall be issued by the Land Use Administrator, or designee, to the applicant. The affidavit shall be signed by the Land Use Administrator. The applicant shall record the affidavit with Seminole County within fourteen (14) days of signature by the Land Use Administrator and pay the costs to record the non-statutory subdivision affidavit. The applicant shall provide a certified copy of the recorded affidavit to the Land Use Administrator, or designee, upon recording.

- (c) **Progress Conferences.** At any time during the review process, the applicant may request a progress conference with the Land Use Administrator, or designee. Progress conferences are encouraged and may assist in expediting the approval of the non-statutory subdivision application.

- (d) **Abated Application.** An application shall be abated when no activity occurs for six (6) consecutive months. The Land Use Administrator, or designee, shall issue a notice of abated application to the applicant. Any submittal after the issuance of a notice of abated application shall require the payment of an abated application fee and shall comply with any amendments to this LDC, the Engineering Standards Manual, or Fire Prevention Code or other pertinent codes or ordinances enacted after the last review of the application.

- (e) **Abandoned Application.** An application shall be abandoned when no activity occurs for twelve (12) consecutive months. The Land Use Administrator, or designee, shall issue a notice of abandoned application to the applicant. Any submittal after the issuance of a notice of abandoned application shall constitute a new application.

- (10) **Effect of Affidavit on Successors and Assigns.** Non-statutory subdivision affidavits are transferable. However, so long as the land or any portion thereof covered under the affidavit continues to be used for the purposes for which it was issued, then no person (including successors and assigns of the person who obtained the development order) may make use of the land except in accordance with the conditions and requirements of the affidavit. The provisions of the affidavit run with and burden the real property to which it relates until released or amended in accordance with formal action of the City.

- (11) **Amendment to an Approved Non-Statutory Subdivision.** An application to amend an approved non-statutory subdivision shall be processed and reviewed in the same manner as the application for the approved non-statutory subdivision.

**(D) Lot Aggregation/Reconfiguration.**

**(1) Review Procedures.**

- (a) A Lot Aggregation/Reconfiguration shall follow Section 3.2, General Application Process.
- (2) Two (2) or more contiguous parcels or lots, that have not been previously platted or that are within an antiquated subdivision, may be combined to create one (1) larger lot or parcel, or may be reconfigured. In order for the Land Use Administrator, or designee, to approve an application for the Lot Aggregation/Reconfiguration, the following criteria shall be met:
  - (a) Does not include any lots or parcels which are illegally created; and
  - (b) All lots or parcels subject to Lot Aggregation are under the same ownership; and
  - (c) A newly aggregated or reconfigured lot or parcel shall conform to the minimum lot size, width, and setbacks of the applicable zoning district and other minimum lot requirements of this LDC unless it is an existing non-conforming lot or parcel, and the new lot or parcel reduces or maintains the non-conformity.
  - (d) **Issuance of Lot Aggregation/Reconfiguration Affidavit.** For purposes of this section, a Lot Aggregation/Reconfiguration affidavit is issued when the Land Use Administrator, or designee, delivers a copy of the fully executed affidavit to the applicant. When an application is found to be compliant, a Lot Aggregation/Reconfiguration affidavit shall be issued by the Land Use Administrator, or designee, to the applicant. The affidavit shall be signed by the Land Use Administrator. The applicant shall record the affidavit with Seminole County within fourteen (14) days of execution by the Land Use Administrator and pay the costs to record the Lot Aggregation/Reconfiguration Affidavit. The applicant shall provide a certified copy of the recorded affidavit to the Land Use Administrator, or designee, upon recording.
- (4) **Effect of Affidavit on Successors and Assigns.** Lot Aggregation/Reconfiguration affidavits are transferable. However, so long as the land or any portion thereof covered under the affidavit continues to be used for the purposes for which it was issued, then no person (including successors and/or assignees of the person who obtained the development order) may make use of the land except in accordance with the conditions and requirements of the affidavit. The provisions of the affidavit run with and burden the real property to which it relates until release or amended in accordance with formal action of the City.



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# Article IV: Zoning Districts and Regulations

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## ARTICLE IV: ZONING DISTRICTS AND REGULATIONS

This Chapter implements the powers conferred by or available to the City through Chapter 163, Florida Statutes (1990), as amended, to combine various types of City regulations and ordinances dealing with the development of land into a land development code; and all other powers conferred by or available to the City through Florida Statutes § 163.3161 et seq., entitled the "Local Government Comprehensive Planning and Land Development Regulation Act," and any amendments thereto.

**TABLE 4.1.1 ZONING DISTRICTS AND CORRESPONDING FUTURE LAND USE DESIGNATIONS**

Future Land Use (FLU)	Zoning District
Rural (RL)	A RCE
Low Density Residential (LDR)	R-1AAA R-1AA R-1A R-1 R-1B R-1BB R-1C R-2
Medium Density Residential (MDR)	R-1B R-1BB R-1C R-2 R-3
High Density Residential (HDR)	R-3
Office (OFF)	R-P O-C
Commercial (CM)	O-C C-1 C-2
High Intensity Commercial (HCM)	C-2
Industrial (IN)	I
General Planned United Development (PUD)	PUD
Mixed-Use (MU)	C-2 MU R-P PUD
Downtown Core (DC)	DC
Downtown Transition (DT)	DN CA
Gateway West Core (GWC)	GW
West Mitchell Hammock Corridor (WMHC)	MHC
Marketplace (MP)	MP
Public (P)	PLI*
Conservation (C)	Any

\*PLI corresponds with all FLU Designations per FLU Policy 1-1.8.3 of the Comprehensive Plan

## SECTION 4.1 – GENERAL DEVELOPMENT STANDARDS

- (A) **General.** All land proposed for development within the City shall be suitable for the use proposed; shall be adequately served by public facilities and services; and shall conform to adopted goals, objectives, and policies of the City Council. All proposed development shall also be consistent with the adopted Comprehensive Plan for the City.
- (B) **Environmental Considerations.** Development shall make advantageous use of natural topography and preserve mature trees whenever possible. Special development stipulations may be placed on areas with low and very low potential soils; areas within the one-hundred-year floodplain; wetlands; and other unique environments. Because most environmental problems are site specific, conditions and proposals will be evaluated with development order reviews.
- (C) **Finished Floor Elevations.** Lots and building sites shall be graded to permit construction utilizing a first-floor elevation based on the requirements of the Engineering Standards Manual.
- (D) **Net Developable Acres.** Net developable acres shall be defined as the number of upland acres within the boundary of a development, excluding acreage devoted to waters of the state, wetlands, and natural lakes.
- (E) **Setbacks Established.** Required setbacks for principal structures are established in Table 4.2.1.
  - (1) **Structure Setback Measurement.** Structure setback distances shall be measured from the property line or street right-of-way line to the nearest point on a structure wall.
  - (2) **Designation of Front and Rear Yards.** All lots shall have at least one (1) front yard and one (1) rear yard or additional front yard, except for properties with a zero (0) foot front setback, where permitted. In the case of five-sided, through lot, or other irregularly shaped lots, the Land Use Administrator, or designee, shall determine the designated rear yard.
  - (3) **Projections from Residential Structures.** Architectural features such as cornices, eaves, steps, gutters, and fire escapes may project a maximum of three (3) feet beyond any required setback line, except where such projections would obstruct driveways or encroach Right-of-way, which are or may be used for access for service and/or emergency vehicles.
- (F) **Building locations.** Building façades facing a right-of-way shall be built parallel to the street. Creative uses of corners of corner lots may require deviations.
- (G) **Orientation.** At least one (1) pedestrian entrance of each principal structure shall be oriented towards the front property line or street-side property line.
- (H) **Density/Intensity.** In the target areas, the maximum number of dwelling units or non-residential square footage allowable for a development shall be calculated by multiplying the net buildable acreage by the residential density or applying the floor area ratio to the buildable acreage to calculate the maximum buildable square footage, consistent with the property's Comprehensive Plan future land use designation. The City will round down the permitted number of units to the nearest whole number when rounding decimals related to density calculations.

## SECTION 4.2 – MINIMUM LOT USE REGULATIONS

All lots shall satisfy the minimum lot use regulations as set forth in Table 4.2.1, Lot Use Regulations.

**TABLE 4.2.1: LOT USE REGULATIONS**

<b>Zoning District</b>	<b>Minimum Lot Size<sup>1</sup></b>	<b>Minimum Lot Width<sup>1</sup></b>	<b>Front Setback</b>	<b>Side Setback</b>	<b>Minimum Rear Setback</b>	<b>Maximum Height<sup>4</sup></b>
<b>A</b>	2 acres	100 ft.	Min 35 ft.	Min 15 ft.	35 ft.	35 ft.
<b>R-CE</b>	1 acre	100 ft.	Min 25 ft. <sup>6</sup>	Min 10 ft.	30 ft.	35 ft.
<b>R-1AAA</b>	20,000 sf	90 ft.	Min 25 ft.	Min 10 ft.	25 ft.	35 ft.
<b>R-1AA</b>	15,000 sf	90 ft.	Min 25 ft.	Min 10 ft.	25 ft.	35 ft.
<b>R-1A</b>	10,890 sf	85 ft.	Min 25 ft.	Min 10 ft.	25 ft.	35 ft.
<b>R-1</b>	8,500 sf	80 ft.	Building 20 ft. Min Garage 25 ft. Min	Min 8 ft.	25 ft.	35 ft.
<b>R-1B</b>	6,000 sf	60 ft.	Building 20 ft. Min Garage 25 ft. Min	Min 7 ft.	25 ft.	35 ft.
<b>R-1BB</b>	5,000 sf	50 ft.	Building 20 ft. Min Garage 25 ft. Min	Min 5 ft.	20 ft.	35 ft.
<b>R-1C</b>	2,500 sf	28 ft.	20 ft. Min	Min 3 ft.	10 ft.	35 ft.
<b>R-2<sup>5</sup></b>	7,500 sf	70 ft.	Building 20 ft. Min Garage 25 ft. Min	Min 7 ft.	25 ft.	35 ft.
<b>R-3<sup>5</sup></b>	n/a	n/a	Min 35 ft.	Min 15 ft.	25 ft.	35 ft.
<b>R-P<sup>5</sup></b>	n/a	n/a	25 ft.	10 ft.	20 ft.	35 ft.
<b>O-C<sup>2,5</sup></b>	n/a	n/a	Min 25 ft.	Min 10 ft.	20 ft.	60 ft.
<b>C-1<sup>2</sup></b>	n/a	n/a	Min 25 ft.	Min 10 ft.	20 ft.	60 ft.
<b>C-2<sup>2</sup></b>	n/a	n/a	Min 30 ft.	Min 10 ft.	20 ft.	60 ft.
<b>I<sup>2</sup></b>	n/a	n/a	Min 30 ft.	Min 10 ft.	30 ft.	60 ft.
<b>MU<sup>2,5</sup></b>	n/a	n/a	Min 15 ft. Max 25 ft.	Min 5 ft. Max 25 ft.	20 ft.	64 ft.
<b>PLI<sup>2</sup></b>	n/a	n/a	Min 25 ft.	Min 10 ft.	20 ft.	60 ft.

Target Areas	Minimum Lot Size <sup>1</sup>	Minimum Lot Width <sup>1</sup>	Front and Street-side Setback	Side Setback	Rear Setback	Maximum Height <sup>4</sup>
<b>DN</b> <sup>5</sup>	n/a	n/a	Min 15 ft. Max 25 ft.	Min 5 ft.	Min 15 ft. (5 ft. for alley)	35 ft.
<b>CA</b> <sup>3</sup>	n/a	n/a	Min 0 ft. Max 15 ft.	Min 5 ft.	Min 15 ft. (5 ft. for alley)	44 ft. <sup>2</sup>
<b>DC</b> <sup>2,3</sup>	n/a	n/a	Min 0 ft. Max 10 ft.	Min 3 ft.	Min 10 ft. (5 ft. for alley)	84 ft.
<b>GW</b> <sup>2,3</sup>	n/a	n/a	Front: Min 0, ft. Max 15 ft. Street-side: Max 10 ft.	Min 5 ft. Max 25 ft.	20 ft.	84 ft.
<b>MHC</b> <sup>2,3</sup>	n/a	n/a	Front: Min 15 ft. Max 20 ft., Street-side: Min 10 ft. Max 15 ft.	Min 20 ft.	20 ft.	54 ft.
<b>MP</b> <sup>2</sup>	n/a	n/a	Min 0 ft. Max 15 ft.	Min 0 ft. or 5 ft.	Min 15 ft. (5 ft. for alley)	84 ft.

<sup>1</sup> Multifamily developments do not have a minimum lot size or minimum lot width.

<sup>2</sup> For any building adjacent to Low Density Residential FLU or single-family development, a maximum height of thirty-five (35) feet is permitted within the first twenty (20) feet from the shared property line. Beyond twenty (20) feet from the property line, the building may exceed thirty-five (35) feet in height; however, for every additional ten (10) feet of height, the building must step back a minimum of ten (10) feet from the previous building plane, continuing in this fashion for the remainder of the building's height.

<sup>3</sup> Minimum and maximum front setbacks for the DC and CA zoning districts are measured from back of the property line or the back of the streetscape if it extends into the private property.

<sup>4</sup> Height is subject to increase through a density or intensity bonus subject to compliance with Section 4.14, Density/Intensity Bonuses for Public Benefit, granted with the development agreement that regulates the bonus.

<sup>5</sup> Multiplex developments shall meet the minimum lot depth and minimum site frontage standards for the zoning district where it is proposed. See Section 4.15, Prohibited Uses for Specific Exclusions for additional development regulations.

## SECTION 4.3 – MINIMUM LOT STANDARDS

(A) **Irregularly Shaped Lots.** No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impractical to construct on it a building that:

- (1) Could be used for purposes that are permissible in that zoning district and
- (2) Could satisfy any applicable setback requirements for that district.

(B) **Minimum Lot Widths.** The minimum lot width of any lot shall satisfy the criteria as set forth in Table 4.2.1. The lot width shall be measured at the front setback line.

(C) **Minimum Frontage Requirements.** No lot shall be created with less than twenty (20) feet of street frontage.

- (D) **Minimum Lot Size Where On-Site Sewer Treatment and Disposal Facilities Are Required.** Lot size shall be sufficient to obtain a septic tank permit from Seminole County Health Department (or FDEP).

#### SECTION 4.4 – PERMISSIBLE USES AND SPECIAL EXCEPTIONS

- (A) **Table of Permissible Land Uses.** The permissible use of land shall be in accordance with Table 4.4.1 and the residential density and non-residential intensity standards set forth in the Comprehensive Plan for each future land use designation.
- (1) Uses shall be considered permissible uses, as indicated by the letter “P”, special exception uses, as indicated by the letter “S”, or permissible uses as part of a mixed-use development, as indicated by the letter “M”.
  - (2) No primary or secondary use shall be permitted in a district unless the letter “P”, “S” or “M” appears for that use in the appropriate cell.
  - (3) “M” indicates that the use is not a primary permissible use and is a secondary permissible use only allowed consistent with the requirements of the Comprehensive Plan Future Land Use Element Table 1.1.
  - (4) When a use is indicated as a permissible use in a particular zoning district, it is permissible in that district subject to the demonstration of compliance with this Land Development Code.
  - (5) When a use is indicated as a special exception use in a particular district, it is permissible in that district subject to the demonstration of compliance with the City Land Development Code and in particular, the requirements of Article III, Development Agreements, Orders, and Permits.
- (B) **Relationship with Other Sections of the Code.** Table 4.4.1 should be read in close conjunction with the definitions set forth in Article XVIII and the other interpretive provisions set forth in this article.
- (C) **Permissible Uses.** The presumption established by this section is that most legitimate uses of land are permissible within at least one (1) zoning district in the City. The list of permissible uses, therefore, cannot be all inclusive. Those uses that are listed shall be interpreted by the Land Use Administrator, or designee, to include other uses that have similar impacts to those listed. Any dispute or request regarding interpretation shall be resolved by the Land Use Administrator or designee, subject to appeal to the City Council.

USE		R-CE	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-1C	R-2	R-3	MU	R-P	O-C	C-1	C-2	I	A	PLI	DN	CA	DC	GW	MP	MHC
1.0 RESIDENTIAL																									
1.1 Single-Family Detached		P	P	P	P	P	P	P	P	P										P	P	1	1	1	p <sup>9</sup>
1.2 Mobile Home <sup>1</sup>																		P							
1.3 Single-Family Attached/Townhome							P	P	P	P	P	M	M	M	M	M				P	P	P		P	p <sup>9</sup>
1.4 Duplex									P	P	P									P	P	P			p <sup>9</sup>
1.5 Multiplex										P	P	M	M	M	M	M				P	P				p <sup>9</sup>
1.6 Multifamily											P	M	M	M	M	M				P	P	P	P	P	p <sup>9</sup>
1.7 Adult Family-Care Home		S	S	S	S	S	S	S	S	S	P	P	P	P				S		S	P	P			
1.8 Bed and Breakfast		S	S	S	S								P	S				P		S	P	S			S
1.9 Child Care (In the Home)		P	P	P	P	P	P	P	P	P	P	P	P					P		P	P				
1.10 Rooming House					S	S	S	S	S	S	S		S							S					
1.11 Community Residential Home (Residential)					P	P	P	P			P		P							S		S			S
1.12 Temporary Residences		P	P	P	P	P	P	P	P	P	P		P				P	P		P	P	P		P	P
1.13 Accessory Dwelling Unit <sup>2</sup>		P	P	P	P	P	P	P	P	P								P		P	P				
1.14 Live-Work Units												P	P	P	S	S				P	P	P	P	P	P
2.0 OFFICE																									
2.1 Professional/Business Offices													P	P	P	P	P			P	P	P	P	P	P
2.2 Medical Clinic/Hospital														P	P	P						P	P	P	P



TABLE 4.4.1: PERMISSIBLE USES

USE	R-CE	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-1C	R-2	R-3	MU	R-P	O-C	C-1	C-2	I	A	PLI	DN	CA	DC	GW	MP	MHC
2.3 Temporary Construction Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

3.0 RETAIL/SALES/SERVICES

3.1 Personal Services											P		P	P	P				P	P	P	P	P	P
3.2 Day Care	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P		S		P	P	P	P	P	P
3.3 Drug Store/Pharmacy <sup>3</sup>											P			S	P					P	P	P	P	P
3.4 Repair Shops (No outdoor storage)														P	P	P					S			S
3.5 Restaurants (No drive-thru)											P		P	P	P		P		P	P	P	P	P	P
3.6 Drive-through Restaurants											S			S	P						S	S	S	S
3.7 Bar											P				P				P	P	P	P	P	P
3.8 Funeral Home											P		P	P	P		P			P				
3.9 Crematorium																P								
3.10 Assisted Living Facility										P	P	P	P	P	P				P	P	P	P	P	P
3.11 Community Residential Home (Commercial)											P	P	P	P					P					
3.12 Alcoholic Beverage Package Store <sup>4</sup>											P		S	P	P	P			S	P	P	P	P	P
3.13 Retail under 3,000 SF and no outdoor storage and/or display											P		P	P	P		P		P	P	P	P	P	P
3.14 Retail 3,000 SF to 10,000 SF and no outdoor storage and/or display											P			P	P		P			P	P	P	P	P
3.15 Retail 10,000 SF to 25,000 SF and no outdoor storage and/or display											P			S	P		P			P	P	P	P	P
3.16 Retail above 25,000 SF and no outdoor storage or display															P	P				S	S	S	S	S

TABLE 4.4.1: PERMISSIBLE USES

USE	R-CE	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-1C	R-2	R-3	MU	R-P	O-C	C-1	C-2	I	A	PLI	DN	CA	DC	GW	MP	MHC
3.17 Retail Sales (w/outside storage)															P	P								S
3.18 Shopping Center											P			S	P					P		P	P	P
3.19 Convenience Stores with Fuel Stations <sup>5</sup>											P				P	P								P
3.20 Dry Cleaners													S	P	P	P	P							
3.21 Dry Cleaners with off-site service, laundromats											P		P	P	P	P	P			P	P	P	P	P
3.22 Bank (No drive-thru)											P		P	P	P				P	P	P	P	P	P
3.23 Bank (with drive-thru)											S			S	P						S			S
3.24 Micro-brewery/Micro-distillery/Micro-winery											P		P	P	P	P			P	P	P	P	P	P
3.25 Artisan Food Production											P	S	P	P	P	P	P			P	P	P	P	P
3.26 Equipment Rental (With outside storage)															P	P								
3.27 Motel/Hotel											P			S	P						P	P	P	P

4.0 ANIMAL SERVICES

4.1 Veterinarian											P	P	P	P	P	P	P		P	P	P	P	P	P
4.2 Kennel <sup>6</sup>														P	P	P	P		P					
4.3 Pet Care Services											P	S	P	P	P	P	P	S		P	P	P	P	P

5.0 INDUSTRIAL, WHOLESALE, AND MANUFACTURING

5.1 Wholesale Sales (No outdoor storage or display)															P	P								
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	---	---	--	--	--	--	--	--	--	--

TABLE 4.4.1: PERMISSIBLE USES

USE	R-CE	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-1C	R-2	R-3	MU	R-P	O-C	C-1	C-2	I	A	PLI	DN	CA	DC	GW	MP	MHC
5.2 Wholesale Sales (w/outdoor storage and/or display)															S	P								
5.3 Nurseries/Greenhouses															P	P	P							
5.4 Nurseries/Greenhouses (w/retail sales)															P	P	S							
5.5 Industrial Park																P								
5.6 Industry/Manufacturing (With or without outdoor storage or display)																P								
5.7 Light Industry/Manufacturing											P			S	P	P					P	P	P	P

6.0 EDUCATIONAL, CULTURAL, OR RELIGIOUS USES

6.1 Elementary, Middle, & High Schools	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
6.2 Trade & Vocational Schools											P		S	P	P	P		P		P	P	P	P	P
6.3 Churches, Synagogues, Temples, etc.	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	S	S	P		P	P	P	P	P
6.4 Libraries, Museum, etc.											P	P	P	P	P			P		P	P	P	P	P
6.5 Social, Fraternal Clubs, Lodges											P	S	P	P	P	P		P		P	P	P	P	P

7.0 RECREATION, AMUSEMENT, ENTERTAINMENT

7.1 Indoor Recreation											P			P	P	P		P		P	P	P	P	P
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TABLE 4.4.1: PERMISSIBLE USES

USE	R-CE	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-1C	R-2	R-3	MU	R-P	O-C	C-1	C-2	I	A	PLI	DN	CA	DC	GW	MP	MHC
7.2 Privately owned recreational facilities such as golf courses, country, swimming or tennis clubs.	S	S	S	S	S	S	S	S	S	S	P	S	S	S	S	S	S					P		P
7.3 Publicly owned Active Recreation facilities such as athletic fields, parks, golf courses, swimming or tennis clubs.	S	S	S	S	S	S	S	S	S	S	P	S	S	S	S	S	S	P				P		P
7.4 Golf Driving Range not associated to golf course, par 3 golf, miniature golf, water slides, skateboard parks, and similar commercial ventures														P	P	S						P		P
7.5 Horseback Riding Stables																	P	P						
7.6 Theaters (Not drive-in)											P			P	P				P	P	P	P	P	P
7.7 Movie Theater with Drive-in															P	S								
7.8 Adult Entertainment																P								

8.0 MOTOR VEHICLE-RELATED SALES AND SERVICE

8.1 Motor Vehicle Sales or Rental; Mobile Home Sales															P	P								
8.2 Motor Vehicle Sales with Repair (no body repair)															P	P								
8.3 Motor Vehicle Repair and Maintenance (no body work)															S	P								

TABLE 4.4.1: PERMISSIBLE USES

USE	R-CE	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-1C	R-2	R-3	MU	R-P	O-C	C-1	C-2	I	A	PLI	DN	CA	DC	GW	MP	MHC
8.4 Motor Vehicle Painting and Body Work															S	P								
8.5 Automobile Service Station											S			S	S	P						S	S	S
8.6 Car Wash															P	P								

9.0 STORAGE AND PARKING

9.1 Large Vehicle and Watercraft Parking / Storage												S	P	P	P	P		P						
9.2 Structured Parking											P			P	P	P			P	P	P	P	P	P
9.3 Surface Parking														P	P				P	P	P	S	S	S
9.4 Warehouse Storage/Distribution Center															S	P		P						
9.5 Mini-warehouse (Personal Storage) <sup>7</sup>											S			S	P	P						S	S	S
9.6 Scrap Materials, Junkyards, Auto Graveyards																S								

10.0 AGRICULTURAL AND MINING OPERATIONS

10.1 Agricultural Farming (excluding livestock)	P																P							
10.2 Agricultural Farming (including livestock, maximum 1 per acre)	S																P							

TABLE 4.4.1: PERMISSIBLE USES

USE	R-CE	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-1C	R-2	R-3	MU	R-P	O-C	C-1	C-2	I	A	PLI	DN	CA	DC	GW	MP	MHC
10.3 Community Garden	P	P	P	P	P	P	P	P	P	P	P								P	P	P		P	
10.4 Mining or Quarrying <sup>8</sup>																S	S							
10.5 Borrow Pit <sup>8</sup>																S	S							
10.6 Landfill																S	S							
11.0 MISC. PUBLIC AND SEMI-PUBLIC FACILITIES																								
11.1 Airport/Utility Facility																S	S	P						
11.2 Post Office											P		P	P	P	P		P	P	P	P	P	P	P
11.3 Cemetery	S	S	S	S	S	S	S	S	S	S		S	S				S	P						
11.4 Bus Stations															S	P								
12.0 OPEN AIR MARKET/SALES																								
12.1 Open Air Markets, Flea Markets, Crafts, etc.											S				S	P	S							
12.2 Temporary: Farmer’s Market, Produce Market, Craft Market, or Open Horticultural Sales											P	P	P	P	P	P	P	P	P	P	P	P	P	P
13.0 COMMUNICATION TOWERS																								
13.1 Monopole Towers											P					S		S	S		S	S	S	S
13.2 Communication Towers/											P					P		S	S		S	S	S	S
13.3 Camouflage Towers											P				S	P			S		S	S	S	S

<sup>1</sup> Existing single-family detached homes are a legally nonconforming use.

<sup>2</sup> Subject to the standards in Article V, Section 5.10.

<sup>3</sup> Notwithstanding any provision of this LDC, pharmacies existing at the time of the Ordinance No. 1655 effective date (09/07/2017) shall be considered permissible uses as a matter of right at their present location.

<sup>4</sup> See Article V, [Section 5.7](#).

<sup>5</sup> Convenience store with fuel station in MHC zoning district will only be permitted along Mitchel Hammock Road.

<sup>6</sup> Prohibited in Shopping Center unless it is a detached building. This prohibition shall not apply to pet care services.

<sup>7</sup> If located in a target area, the first floor shall be commercial not related to the storage use.

<sup>8</sup> See Article XV, [Section 15.9](#).

<sup>9</sup> Within five hundred (500) feet of West Mitchell Hammock Road, detached single-family housing and single-use residential projects are prohibited.

### Legend

P — Use is permissible with a zoning permit issued by Land Use Administrator.

S — Use is permissible with special exception permit issued by the City Council.

M – Use is permissible only as part of a mixed-use development per the Comprehensive Plan.

Blank Cell – Use is prohibited.

## SECTION 4.5 – SPECIFIC RESIDENTIAL USES

### (A) General Requirements for all Specific Residential Uses.

- (1) **Circulation, Access, and Connectivity.** Ensure all development provides internal and external circulation connectivity and safety as may be required to protect the public interest. Access, Circulation and Connectivity requirements are set forth in Article XI Section 11.2, General Layout of Streets.
- (2) **Open Space Requirements.** Open Space requirements shall be consistent with the regulations in Article XVII, Recreational Facilities and Open Space.
- (3) **Buffer, Landscape, and Street Trees.** Townhomes, multiplex, and multifamily developments are subject to the Buffer, Landscaping and Street Tree Requirements of Article XII, Landscaping, Tree Planting and Buffer Requirements, and Article XV, Environmental Preservation.
- (4) **Parking.** Parking areas may not be located between the building and the street for multifamily and multiplex developments. Front-loaded townhomes are not permitted in the Downtown Core zoning district and are discouraged in all other target area zoning districts. All other applicable parking requirements are included in Article XIII, Parking.
- (5) **Accessory Structures.** Accessory structure regulations are in Article V, Other Specific Uses and Structures.
- (6) **Lighting.** All lighting regulations are included in Article XVI Section 16.7, Lighting Requirements.
- (7) **Height.** The following specific residential uses shall be subject to the following height maximums unless the zoning district allows for greater height:
  - a. Townhomes: 45'
  - b. Multiplex: Default to the zoning district
  - c. Multifamily: 60'

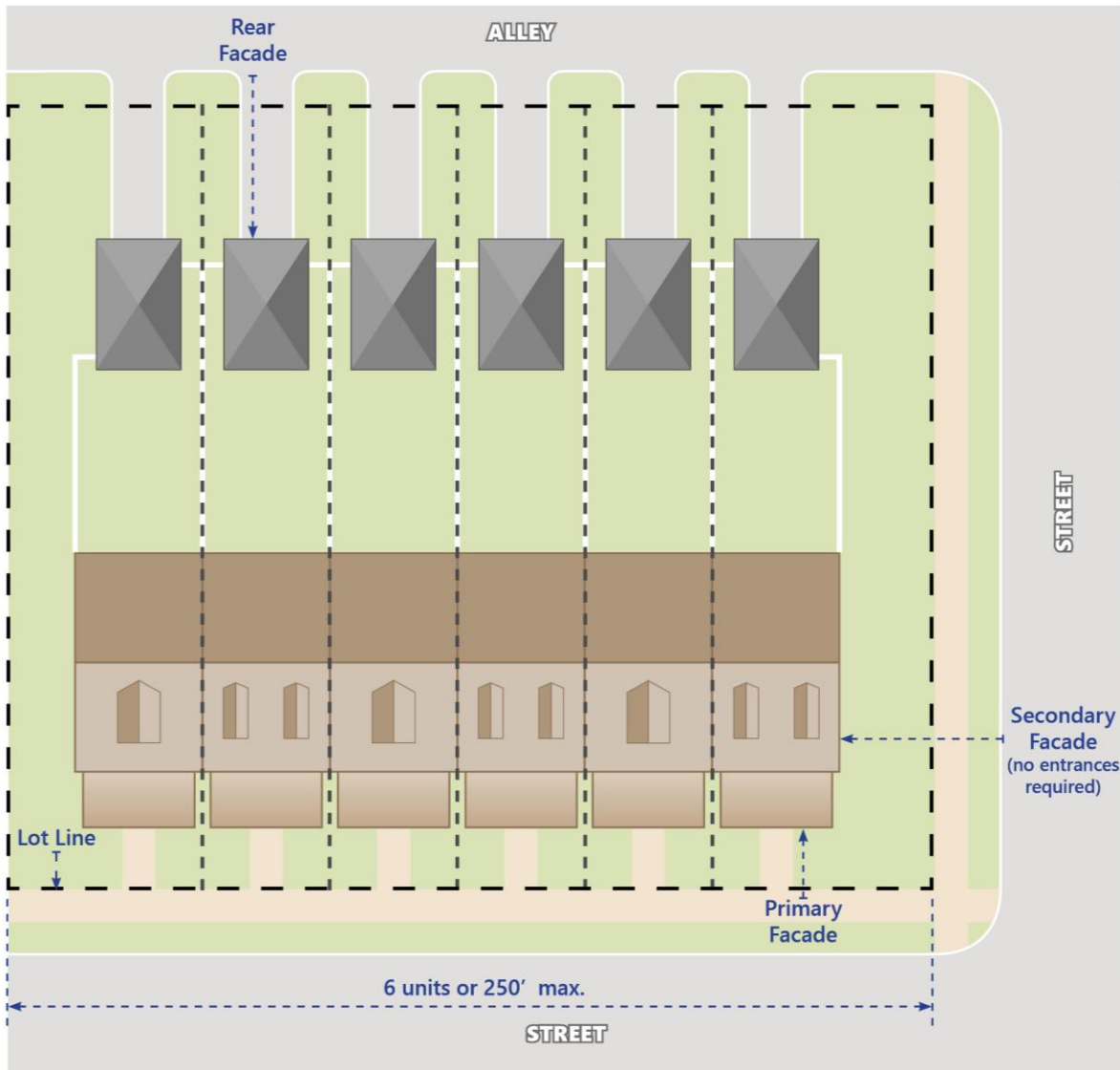
### (B) Townhomes.

- (1) **Intent.** The purpose of this section is to offer flexibility in site planning, increase housing options, preserve neighborhood character through suitable architecture and building placement, promote property ownership options, and support the development of townhomes that blend well with detached single-family homes as well as low to medium density mixed-use district development.
- (2) **Applicability.** Except for townhome dwellings subject to the specific design standards of a planned unit development zoning district, the standards and requirements of this section apply City-wide to the construction of new townhomes, and substantial improvements or substantial enlargements to existing townhomes.
- (3) **Development Standards.**
  - (a) **Building Orientation.** The intent of this section is to orient townhome front entrances towards the public or private streets, common areas or courtyards (publicly accessible spaces) and to have townhome buildings creating a sense of spatial enclosure along streets with buildings forming a "street wall" and defining "outdoor rooms".
    - i. **Front entrances.** The front unit entrance shall be located on the primary façade.
    - ii. **Façade classification.**
      - a. A façade that has a primary entrance door is a primary façade.
      - b. If the townhome is located in a corner lot that faces two (2) public streets and the side façade does not have a primary entrance, that side façade is the secondary façade.



- c. If the townhome façade with the primary entrance faces a common area or a courtyard and the garage faces a private internal street, the façade where the garage is located is a secondary façade, and the façade with the primary entrance is a primary façade. If the garage faces a public street, the garage façade is a primary façade.

**Figure 4.5.1 Townhome Façade Classification**



(b) **Building length.** Maximum building group length shall be six (6) units.

- i. Relationships between buildings. Townhome buildings shall face each other with a front-to-front or a back-to-back relationship depending on location relative to a street, lane or open space.
- ii. Minimum distance between buildings across each other. If townhome buildings' primary façades face each other in a common area instead of across the street, the minimum distance between the buildings across the common area shall be fifty (50) feet.

(c) **Lot size, Width, and Setbacks.**

- i. Lot dimensions. Townhome lots shall have a minimum area of one thousand eight hundred (1,800) square feet and minimum lot width of twenty (20) feet.
- ii. Within the Target Areas, the minimum lot area for townhomes is one-thousand (1,000) square feet.

(d) **Front setbacks to principal structure.** The minimum front setbacks shall be:

- i. Ten (10) feet for buildings, where porches, entry stoops, bay windows, and other appurtenances may extend into the setback up to five (5) feet;
- ii. Twenty (20) feet for front-loaded garages.

(e) **Side setbacks to principal structure.** The minimum side setback for corner lots/buildings shall be five (5) feet on the side facing the corner.

(f) **Rear setbacks to principal structure.** The minimum rear setback for buildings shall be a minimum five (5) feet for townhomes with rear-loaded garages off alleys and a minimum ten (10) feet for townhomes with no rear loaded garages.

- i. **Distance between buildings.** The minimum distance between townhome buildings shall be ten (10) feet.

(g) **Garage Design.**

- i. Front-loaded garages shall not exceed fifty (50) percent of the primary façade width.
- ii. Detached rear garages are permissible.
- iii. Common parking garages/areas are permissible.

(C) **Multiplex.**

- (1) **Intent.** Multiplex standards of this section are intended as a mixture of typologies of 3 to 8 dwelling units per lot. This type enables appropriately scaled, well-designed, higher densities and is important for providing a broad choice of housing types and promoting infill development.

(2) **Development Standards.**

(a) **Building Height.** The maximum height defaults to the zoning district.

- (b) **Building Siting.** Multiplexes can be constructed as one (1) building in the form of three (3) to eight (8) dwelling units per lot. Multiplexes can also be developed as multiple buildings, where single units are constructed as separate structures or where an existing single-family home could add multiple units in the rear, if the density and the applicable zoning district allow. See Figure 4.5.2 below for possible lot configurations.

i. **Frontage Requirements.**

- a. **Front Unit(s).** The front door of the unit(s) closest to the street shall face the street.
- b. **Pedestrian Access.** A pedestrian path from the public sidewalk to the primary pedestrian entrance is required for each unit.

- ii. **Minimum Lot Size Standards.** Minimum lot size and minimum site frontage standards shall comply with the respective zoning district.

- iii. **Minimum Building Separation.** Ten (10) feet.

Figure 4.5.2 Example Multifamily Lot Configurations



(D) **Multifamily.**

- (1) **Intent.** Multifamily standards of this section are intended to provide flexible building and site design in locations where residential development and redevelopment is desired at medium to high intensity.
- (2) **Applicability.** Except for multifamily developments subject to the specific design standards of a planned unit development zoning district, the standards and requirements of this section apply City-wide to the construction of new multifamily developments of nine (9) units or more, and substantial improvements or substantial enlargements to existing multifamily developments.
- (3) **Conflicts.** If any provisions of these regulations are determined to be in conflict with any other City regulation, this LDC shall prevail except where otherwise specified.
- (4) **Building Siting.** Multifamily buildings front entrances shall be oriented towards streets, driveways, common areas or courtyards (publicly accessible spaces), creating a sense of spatial enclosure along streets with buildings forming a "street wall" and defining "outdoor rooms".
  - (a) **Frontage Requirements.** The front unit(s) or building(s) shall maintain frontage on a public street, or a private street that meets public street design standards of Article XI Section 11.2, General layout of Subdivision Streets.

- (b) One (1) primary front entrance per multifamily building unit shall be provided on the primary façade.
- i. **Façade classification.** A façade that faces a public or private street is a primary façade. If the multifamily building is located on a corner lot that faces two (2) streets, then both façades facing the streets shall be primary façades.
  - ii. If multifamily buildings' primary façades face each other in a common area instead of across the street, the minimum distance between buildings across the common area shall be fifty (50) feet.
  - iii. **Land Use Lot size, width and setbacks.** Intent. The intent of this section is to organize the location of multifamily buildings and accessory structures in relation to the street, to the lot and to other adjacent buildings in order to provide enough space for air circulation, insulation, vegetation, storm water filtration and privacy between building units.
  - iv. **Lot dimensions.** There is no minimum lot width or minimum lot size for multifamily developments.
  - v. **Setbacks.** For street facing units, each unit shall meet the setbacks for the applicable zoning district.
  - vi. **Stepback from Single-Family Residential Zoning District.** Per Footnote 7 of Table 4.2.1: Lot Use Regulations, a stepback is required for all buildings adjacent to Low Density Residential FLU or single-family developments.
  - vii. **Architectural elements in the setback.** Entry stoops, porches or architectural elements may encroach into the setback area up to five (5) feet.
  - viii. **Distance between buildings.** The minimum distance between buildings internal to a development shall be twenty (20) feet. The minimum distance between buildings is reduced to ten (10) feet within the Target Areas in accordance with Section 4.13, Target Areas and Downtown Development Districts.
  - ix. A network of pedestrian connections shall be designed to connect all entrances of each building to the street.
  - x. **Crosswalks.** All crosswalks at driveways and curb cuts shall be designed with pavers and/or textured colored concrete or similar to clearly define the pedestrian zone.
  - xi. **Parking Location.** Parking is not permitted between the building and the street but is permitted on the side and rear of the building within the Target Areas.
  - xii. **Vehicular Access for fifty (50) or more units.** Developments with 50 or more units shall provide a minimum of two access points. If two vehicular access points are not physically possible, then one shall be vehicular, and one access point could constitute micromobility access or a future stub-out, or one of these access points may be operated as an "Emergency Only" access and may use a stabilized, pervious surface approved by the Land Use Administrator, or designee.
  - xiii. **Cross Access.** Each project shall provide cross access to adjacent properties, unless wetlands, lakes, limited access highways or other physical barriers prevent connectivity.

## SECTION 4.6 – OFFICIAL ZONING MAP

- (A) **Designation of the Official Zoning Map** There shall be a map known and designated as the official zoning map which shall show the boundaries of all zoning districts within the City' jurisdiction.
- (B) **Incorporated into LDC by Reference** The official zoning map is adopted and incorporated herein by reference.
- (C) **Lost, Damage or Destruction of Official Zoning Map** Should the official zoning map be lost, destroyed, or damaged, the Land Use Administrator, or designee, may have a new map made without council authorization so long as no district boundaries are changed in the process.

(D) **Amendments to the Official Zoning Map.**

- (1) Amendment Procedures. Amendments to the official zoning map are done in accordance with State law.
- (2) Updating the Official Zoning Map. The Land Use Administrator, or designee, shall update the official zoning map as soon as possible after amendments are adopted.

## SECTION 4.7 – RURAL DISTRICTS

**Agricultural District.** The Agricultural (A) District is intended to accommodate agriculture uses with accessory single-family residences. These districts are generally located in outlying areas of the City and may be converted to higher uses as more urban services become available.

## SECTION 4.8 – RESIDENTIAL DISTRICTS

Each residential district is designed to provide a comfortable, healthy, safe and pleasant environment for the people who live in the City. Section 4.4, Structure Setbacks, and Table 4.3.1: Table of Permissible Land Uses specify the permissible, prohibited, and special exception land use types by zoning districts.

- (A) **Rural Country Estates (R-CE), R-1AAA and R-1AA Districts.** The Rural Country Estates (R-CE), R-1AAA and R-1AA Districts are designed for areas that are not served by central sewer and are not appropriate for higher density development.
- (B) **R-1A and R-1 Districts.** The R-1A and R-1 Districts are single-family residential districts that permit low density development generally in areas with complete urban services. In areas without central sewer, these districts are only permitted where soils are appropriate for septic tanks.
- (C) **R-1B, R-1C, R-2, and R-3 Districts.** The R-1B, R-1C, R-2, and R-3 Districts are designed for medium density single-family detached, single-family attached (townhome), and two-family residential development generally located in areas with complete urban services.
- (D) **R-1BB and R-3 Districts.** The R-1BB and R-3 Districts are designated for medium to high density residential development in areas with complete urban services. These zoning districts may also serve as a transitional buffer between commercial uses and lower density residential uses.

## SECTION 4.9 – COMMERCIAL AND OFFICE DISTRICTS

Commercial and Office Districts are created to serve the business needs of the community and provide necessary services for City residents.

- (A) **Residential-Professional Office District.** The Residential-Professional Office (R-P) District is designed to accommodate a mixture of residential and professional office uses primarily in areas that are no longer viable for single-family use because of high traffic volumes or other market factors. These areas are often transition zones between arterials or intense commercial districts and residential districts.
- (B) **Neighborhood Commercial and Office District.** The Office-Commercial (O-C) District is a neighborhood commercial and office district designed to accommodate office, low intensity commercial uses, and medium density residential and mixed-use developments with limited traffic generation and movements.
- (C) **General Commercial Districts.** The C-1 Commercial District is intended to permit and encourage a full development of retail commercial uses, some light industrial uses, as well as high density residential and mixed-use developments. The C-2 Commercial District is designed to accommodate the widest range of commercial and mixed-use activities, including drive-thru facilities as well as light industrial uses.

- (D) **Commercial Infrastructure.** All new development within the commercial zoning districts will require central sewer and water service. If central sewer is not available, other interim sewer may be allowed upon authorization by the City. Development occurring in these districts shall have access to collector or arterial streets or to service streets that maintain direct access thereto.
- (E) **Mixed-Use District.** The Mixed-Use Zone Districts are established to ensure that land within the City supports a diverse range of retail, office, service, and employment-related development, meeting the needs of residents and attracting large-scale regional employers, while incorporating higher-density residential uses. Specifically, the purpose of these districts is to:
- (1) Strengthen the City's economic base and provide employment opportunities close to home for residents;
  - (2) Designate suitable lands for a comprehensive range of business and commercial uses needed by residents, businesses, and workers, in alignment with the Comprehensive Plan and other adopted plans;
  - (3) Foster environments for mixed-use development that integrates business, office, retail, and residential uses in a compatible and cohesive manner;
  - (4) Encourage infill development and redevelopment that aligns with the City's comprehensive development plan and other adopted plans; and
  - (5) Ensure that commercial development is located and designed to protect and maintain the character of adjacent single-family neighborhoods.
- (6) The Mixed-Use district shall only be compatible with the Mixed-Use Future Land Use designation.

#### SECTION 4.10 – INDUSTRIAL DISTRICT

The Industrial District is established to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise or equipment or adult entertainment. All new development within the industrial zoning district requires central sewer and water service. If central sewer is not available, other interim sewer may be allowed upon authorization by the City. Development occurring in this district shall have access to collector or arterial streets or to service streets that maintain direct access thereto.

#### SECTION 4.11 – PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

The Planned Unit Development (PUD) District combines various residential, commercial, industrial, recreational, and/or public uses to create a planned community with a more desirable environment than would be possible through the strict application of conventional district regulations. The uses and structures proposed are to be planned and developed as unified and coordinated developments. Each PUD district constitutes the creation of a unique zoning district that is the result of a negotiated process in which, and during which, sound and generally accepted land use planning practices and principles are applied and imposed.

(A) **Purpose of the PUD District.**

- (1) To incorporate a more flexible management structure for negotiation and coordination of private sector development objectives, which may be inconsistent with conventional zoning district provisions, with public sector goals, objectives and policies that govern the City's development and conservation of resources;
- (2) To achieve high standards in the quality of urban design amenities within residential and non-residential developments by encouraging the development of land as planned communities;
- (3) To promote efficient use of land by facilitating more cost effective, flexible and creative concepts as well as environmentally sensitive site planning;
- (4) To stimulate opportunities for varied housing types and a mixture of land uses that would not be possible through conventional zoning districts;



- (5) To conserve and protect the natural environment including wetlands, natural habitat, drainage corridors, flood prone lands, and other environmentally sensitive lands by encouraging scenic and functional open areas;
- (6) To provide more useable, landscaped, and suitably located open space and recreation facilities, and other public and common facilities than would otherwise be provided under conventional land development procedures;
- (7) To encourage the accomplishment of a more complete living environment through the application of enlightened and imaginative approaches to community planning and shelter design through the introduction of a variety of architectural solutions;
- (8) To preserve and protect historic resources;
- (9) To provide safe and convenient vehicular circulation including access and sufficient area for effective delivery of emergency services;
- (10) To provide for safe, convenient, and integrated pedestrian circulation systems; and
- (11) To establish neighborhood identity and focus consistent with the community character as promoted by the City Council.

**(B) Unified Control.**

- (1) All properties within a proposed PUD zoning district shall be under unified ownership or control as evidenced by legal instruments submitted by the applicant. These legal instruments shall be approved by the City Attorney.
- (2) All open space shall be either private, reserved for common use, or dedicated to the public, if the City elects to accept the dedication.
  - (a) All required open space shall be reserved as such through appropriate deed restrictions, which cannot be removed without the consent of the City Council.
  - (b) Open space dedicated to the public shall be open to the general public.
  - (c) Private open space shall be owned in a fee simple title as part of a lot or parcel in private ownership. The use of private open space shall be reserved and limited through appropriate deed restrictions. The deed restriction shall require the property owner to maintain the private open space in perpetuity.
  - (d) All open space reserved for common use shall ultimately be owned in fee simple by an organization of property owners within the PUD. The organization shall be established by the applicant, and all organizational documents, including, but not limited to, articles of incorporation, bylaws and restrictive deed covenants, shall be submitted to the City Attorney for approval prior to recording in the public records of the County and filing with the Secretary of State. The organization shall be responsible for the maintenance of all common open spaces.
  - (e) All open space reserved for common use shall be conveyed to the organization prior to or at the time when two-thirds (2/3) of all the dwelling units of the PUD plat under development have been sold. Conveyance shall be by a general warranty deed in fee simple absolute, acceptable to the City Attorney. The deed shall include a deed restriction providing for the perpetual maintenance of the common open space by the organization.
  - (f) The organization may offer to convey the common open space to the City at no cost. If the City accepts the offer, then the conveyance shall be of a general warranty deed in fee simple absolute, acceptable to the City Attorney. Upon acceptance, the open space shall be available for use by the general public. The City shall not accept a conveyance of common open space unless arrangements acceptable to it are made for the continued maintenance of the open space, which arrangements may include maintenance by the City.

- (g) All landscaped buffer yards shall be owned in fee simple as part of an approved lot or parcel, and the landscaped yards shall be reserved and limited through appropriate deed restriction. The deed restrictions shall require the property owner to maintain the landscaping in perpetuity.
  - (h) New private streets shall meet the minimum standards of public streets.
  - (i) Public streets shall meet the minimum requirements of this LDC and Engineering Standards Manual to be dedicated to the City.
- (C) **Development Agreement.** The PUD zoning district requires the review, approval, and execution of a development agreement between the applicant and City Council.
  - (1) **Properties Designated PUD on Official Zoning Map.** For undeveloped properties designated PUD on the Official Zoning Map, the development agreement shall be approved as provided for in Article III.
  - (2) **Zoning Map Amendment.** The development agreement shall be included as an exhibit in any ordinance adopting an amendment to the official zoning map, which changes the zoning of a property to PUD.
  - (3) **Amendments.** Proposed amendments to an approved development agreement shall be reviewed and approved in the same manner as the approved development agreement. Proposed amendments to an approved conceptual development plan shall be considered an amendment to the approved development agreement.
- (D) **Conceptual Development Plan.** The PUD zoning district requires the review and approval of a conceptual development plan, which is approved as an exhibit to or by reference in a development agreement.
- (E) **Permissible Uses.** Permissible uses within the PUD district shall be established within the development agreement, consistent with the primary and secondary uses allowed within the property's future land use designation as provided in the Comprehensive Plan.
- (F) **Maximum Density/Intensity of Development.** The density and intensity of development within the PUD zoning district shall be established within the development agreement consistent with the maximum density and intensity allowed within the property's future land use designation as provided for in the Comprehensive Plan.
- (G) **Open Space Ratio.** Open space, including open plazas, walkways, possible use of functional and aesthetic paving material, shall promote the PUD urban design and aesthetics. The minimum percentage of open space shall be twenty-five (25) percent.
- (H) **Size and Dimension Regulations.** Within the PUD district, the location, size, dimensions, arrangement, orientation, and design of yards, open space, landscaping, building setbacks, vehicular access and circulation, pedestrian circulation, building/structure characteristics, and all other planned site improvements shall provide for:
  - (1) Safe and convenient internal vehicular circulation, including access and sufficient area for effective delivery of emergency services such as fire protection;
  - (2) Buildings with safe entry and exit from the front and the rear of respective buildings;
  - (3) Convenient, well-landscaped, and well-designed pedestrian ways and open space systems;
  - (4) The provision of usable open space including:
    - (a) preservation of natural vegetation and landscaping;
    - (b) surface water management, and
    - (c) pedestrian plazas.
  - (5) Other similar attributes consistent with sound application of urban design principles and practices which impact lot configuration, building layout and arrangement of open spaces.



- (I) **Deviations.** Any deviations from the development standards described in this article or other sections of the LDC shall be specified and justified as mitigation may be required. Deviations to standards established within the development agreement or depicted on the conceptual development plan shall be processed per the requirements of Article II.
- (J) **Commercial, Office, Industrial, and Public Uses.**
- (1) Commercial, office, industrial, and public land uses within a PUD district, whether as a primary or secondary land use, shall locate on an arterial or collector street facility, or a local service street connected thereto.
  - (2) Professional office uses associated with a residential mixed-use structure may locate on local streets.
  - (3) Commercial and office uses may locate on local streets in residential areas if such uses are designed to:
    - (a) Serve the retail and service needs of the surrounding neighborhood;
    - (b) Require minimal and infrequent access by truck or heavy vehicles other than public transit;
    - (c) Maintain the residential character of the area; and
    - (d) Create street impacts that do not resemble characteristics and traffic volumes of a collector facility.
  - (4) Commercial and office uses located along arterial and collector streets shall be clustered in nodes and integrated with other land uses to prevent strip development.
  - (5) Commercial and office uses shall comply with the minimum architectural standards of this LDC unless minimum standards are established within the development agreement.
  - (6) Architectural standards for industrial uses shall be established within the development agreement.
- (K) **Screening and Buffer Yard Requirements.** Any one (1) of the buffer yard and screening types described in Article XII may be required by the City during the PUD review process in order to minimize the impact of potentially objectionable areas such as: parking lots; utility or maintenance structures; solid waste disposal facilities; loading facilities, or other unsightly areas. Such buffer yard and screening types may also be required along perimeter boundaries where land uses of different intensities are located in close proximity to each other. The buffer yard and screening types shall be established within the development agreement and depicted on the conceptual development plan.
- (L) **Master Sign Plan.** A unified plan for signage establishing standards for the type, height, number, size, design, landscaping, lighting, and location of all signs shall be established within the development agreement and depicted on the conceptual development plan. The intent of the plan is to minimize sign proliferation, maximize the architectural integrity, and provide an overall plan ensuring harmony in the color theme, and design of all signage.
- (M) **Infrastructure Improvements and Urban Design Amenities.** All infrastructure improvements and urban design amenities shall reflect accepted principles and practices of urban design, including streetscape amenities, which promote a harmonious and aesthetic environment for pedestrians and other user groups within the proposed development.
- (1) **Preliminary Stormwater Management Plan.** The conceptual development plan shall include a preliminary stormwater management plan that, at a minimum, addresses the following:
    - (a) Natural environmental conditions of the site;
    - (b) Existing and proposed future hydrological conditions of the site, including existing and proposed site elevations, amounts and rates of water runoff, water quality, and other related factors;
    - (c) Available drainage improvements on and off-site;

- (d) Intensity of proposed use, potential barriers to movement, and impacts of the drainage system alternatives on pedestrian and traffic circulation, aesthetics of the project and impacts on the surrounding area;
  - (e) Potential contaminants or pollutants generated by land uses, motor vehicles, or other sources of pollutants and contaminants; and
  - (f) The minimum stormwater management requirements of this LDC.
- (2) **Water and Sewer.** PUDs shall locate within a central water and sewer service area or where such systems are not yet available such facilities shall be available concurrent with impact generated by the PUD or provided according to the required development agreement. Any interim sewer services provided for residential land uses shall be consistent with provisions of the Comprehensive Plan. No interim water and sewer services shall be allowed for non-residential land use unless the development agreement specifies a threshold or time frame when such central services shall be available.
- (3) **Reclaimed Water.** PUDs shall locate within a reuse water service area in accordance with Article XVI Utilities. Where such system is not yet available such facilities shall be available concurrent with impact generated by the PUD or provided according to the development agreement and conceptual development plan.
- (4) **Sidewalks and Improvements to Enhance Pedestrian and Bicycle Movement.** Sidewalks and bicycle facilities shall be planned and installed. Said facilities shall connect land uses within the PUD; the PUD to existing external facilities; and the main entrances of primary buildings to vehicle use areas, including parking areas, and facilities within the public right-of-way. The pedestrian and bicycle circulation system shall include marked crossings in order to separate vehicular and pedestrian/bicycle traffic.
- (5) **Traffic Circulation Improvements.** Traffic circulation improvements shall include all intersection and street improvements along internal and perimeter streets required to service projected traffic volumes, such as acceleration, deceleration and turning lanes, as well as traffic control devices and signage. All such improvements shall conform to City specifications.
- (6) **Street Lighting and Signage.** Street lighting as required per Article XVI Section 16.7, Lighting Requirements.
- (7) **Other Improvements and Amenities.** All other improvements and amenities shall be consistent with the unified urban design of the PUD.
- (8) **Loading Docks.** Loading docks are prohibited on interior streets. They shall be located at the rear of all principal structures. Parking for trucks and all other company owned or controlled vehicles shall be located at the rear of all principal structures.
- (9) **Shipping and Receiving.** No shipping or receiving shall be permitted within one hundred (100) feet of any residential land use or within forty (40) feet of any property line adjacent to any nonresidential land use.
- (10) **Storage Areas.** All storage areas shall be fully enclosed and located at the rear of all structures. No motor vehicle which is inoperative shall be stored or used for storage on any lot or parcel of land in any PUD unless it is within a completely enclosed building.
- (11) **Exterior Lighting.** Exterior lighting shall be provided consistent with the minimum standards of this LDC unless otherwise provided for in the development agreement and depicted on the conceptual development plan.
- (12) **Utility Lines.** All utility lines shall be placed underground. Large transformers shall be placed on the ground and be contained in pad mounts, enclosures, or vaults. Where enclosures or vaults are used, the construction and design shall be compatible with the primary building design. Location and screening requirements shall comply with Article V Section 5.1(E), Mechanical, Gas, and Plumbing Equipment.

- (N) **Criteria for Review.** The Land Use Administrator, or designee, shall present its findings in a written report to the LPA and City Council. The Land Use Administrator, or designee, review shall ensure the following criteria are met:
- (1) **Consistent with Comprehensive Plan.** The PUD shall be consistent with the future land use designation denoted on the future land use map and the goals, objectives, and policies, of the Comprehensive Plan.
  - (2) **Conformance with Applicable Regulations.** The PUD shall comply with the requirements of all applicable regulations.
  - (3) **Land Use Compatibility.** The PUD shall not result in any incompatible land uses, considering the type and location of uses involved.
  - (4) **Adequate Public Facilities.** The proposal shall not result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services, and similar necessary facilities and services.
  - (5) **Natural Environment.** The proposal shall not have significant adverse impacts on the natural environment.
  - (6) **Orderly Development.** The proposal shall result in an orderly and logical development pattern, and specifically identify any negative effects on such patterns.
  - (7) **Other Matters.** Any other matters which the Land Use Administrator, or designee, may deem appropriate or that would be of particular relevance to the LPA or the City Council.
- (O) **Conditions in approving a PUD.** The City Council may establish any reasonable conditions or requirements in addition to those provided in this LDC. Such additional conditions or requirements shall be entered into the development agreement and/or depicted on the conceptual development plan prior to execution of the development agreement by the City and are enforceable in the same manner and to the same extent as the other requirements of the development agreement and/or conceptual development plan.
- (P) **Expired Development Agreements.** To maintain buildable lots within the City, all development within expired development agreements shall follow the standards of the approved development agreement until the City adopts a zoning district or approves another development agreement for the area.

#### SECTION 4.12 – PUBLIC DISTRICT (PLI)

- (A) The Public Lands and Institutions District (PLI) is intended to include public lands and major public or quasi-public institutional uses. Public lands shall be defined as activities that serve to provide public services or utilities that shall include but are not limited to recreation, community and government services, utilities and public facilities such as water and sewer treatment. Institutions shall be defined as nonprofit, quasi-public, or public activities that provide a public service that includes but are not limited to libraries, hospitals, cultural facilities or religious uses.
- (B) This classification also includes educational uses such as a private or public secondary, middle, elementary or similar school providing educational curriculum meeting general public or education requirements established by the State. Also, this classification includes private or public college, university or post-secondary school authorized or licensed by the State to award degrees, but not technical, business or trade schools. Seminaries are exempt from State licensure requirements for private colleges; however, such exemption status shall be authorized by the State. Hence, an exemption approved by the State would qualify as meeting requirements of the above definition regarding authorization by the State to award degrees.
- (C) This classification is applied only to lands that are owned or controlled by the public, or quasi-public institutional uses.

## SECTION 4.13 – TARGET AREAS

Target areas in the City refer to specific geographic locations that have been designated for urbanization and redevelopment opportunities. These areas have potential for growth and revitalization. The goals are to promote compact, sustainable development; encourage investment and redevelopment; promotion of a pedestrian friendly environment and enhance quality of life in these selected areas. The target areas include properties located in the Mitchell Hammock Corridor (MHC), Gateway West (GW), Marketplace (MP), Downtown Neighborhood (DN), Central Avenue (CA), and Downtown Core (DC) zoning districts.

(A) **General Standards.** except as otherwise provided:

(1) Development in the Target Areas shall adhere to the following general development standards, except as otherwise provided:

(a) **Building locations.** Building façades facing a right-of-way shall be built parallel to the street.

(b) **Orientation.** At least one (1) pedestrian entrance of each principal structure shall be oriented towards the front lot line or street-side lot line.

(i) Detached single-family homes are discouraged in the Target Areas. If constructed in a permitted zone, one (1) pedestrian entrance of the principal structure shall be oriented towards the front lot line or street-side property line.

(ii) Detached single-family homes are prohibited in the DC, GW, and MP, and existing detached single-family homes are legally non-conforming.

(iii) For duplex development on a corner lot or a through lot, all dwelling units shall have a principal pedestrian entrance oriented toward a street.

(iv) For duplex or townhomes, all units shall be accessible via pedestrian pathway connecting to the public sidewalk.

(c) **Building Frontage.**

(i) The primary frontage is the narrow side of a corner lot that faces the street, unless otherwise determined by the Land Use Administrator, or designee.

(ii) The secondary frontage is the long side of a corner lot.

(iii) If a property is fronting three (3) streets, the primary frontage shall be the narrow side of the lot facing an arterial street (if one is present), and the secondary street shall be the long side of the lot. The third street frontage shall also be a secondary street with street-side setbacks; however, the third street frontage shall be exempt from the maximum setback.

(iv) In cases of uncertainty, such as when a secondary frontage faces a main street, the Land Use Authority can consider an alternative standard.

(v) In the DC and CA, the building or buildings shall account for sixty percent (60%) of the lot frontage on the primary street frontage. If there is more than one (1) street frontage, this applies to both the primary and secondary frontages.

(d) **Block Perimeter.** For all Target Areas except CA, sites shall be divided into one or more blocks, including public or semi-public space and open space. The block perimeter is the total length of a line enclosing the block along street rights-of-way and lot frontages. A cross-block pedestrian passage is required where a block face exceeds the maximum permitted length. Where a site is too small to result in a full block, the Development Plan shall show the nearest available street connections and new streets or circulation ways may be required based on the distance from the nearest existing connection. Block perimeters are defined by:

(i) Public or private street rights-of-way, easements, or tracts;

(ii) Circulation ways designed to the standards of streets;

(iii) Cross-block passages

- (iv) Regional Trails;
  - (v) Site boundaries, including natural features; and
  - (vi) Greenways.
- (e) **Cross-Block Passages.** Passages may be required to extend pedestrian circulation through long blocks and are subject to the following:
- (i) A cross-block pedestrian passage is required where a block face exceeds six hundred (600) feet, except for the DC which is limited to four hundred (400) feet.
  - (ii) Passages shall be illuminated along their entire length.
    - a. Pedestrian lighting shall be LED with correlated color temperature (CCT) no greater than three thousand five hundred degrees Kelvin (3,500°K); and
    - b. Light from LED luminaires should be diffused and shielded from direct view.
  - (iii) Passages shall be a minimum of ten (10) feet wide, with a minimum five (5) foot unobstructed and ADA compliant public walkway.
  - (iv) Passages shall be separated from adjacent streets or parking lots by curbing, varying pavement treatments or other vehicle barrier, as approved by the Land Use Administrator, or designee.
  - (v) Passages should traverse the block perpendicular to the frontage of greatest length, as close to the midpoint as possible, unless multiple passages are provided at roughly equidistant spacing.
- (f) **Open Space.** Where a civic space or open space abuts existing or planned trails, pedestrian, or bicycle ways, continuity of the abutting facility shall be provided.
- (g) **Access.**
- (i) Cross access easements and unified access and circulation are required and shall be provided consistent with Article XI Section 11.3(G)(1).
  - (ii) Vehicular curb-cuts to Central Avenue, Mitchell Hammock Road, Oviedo Boulevard, and Broadway Street, are discouraged in order to reduce conflict points with pedestrians and are not allowed when a development site has ingress/egress locations available to side streets. Ideally, only one curb-cut at the mid-point of each block shall be allowed, except where this requirement results in unsafe or inefficient site circulation.
  - (iii) Inactive or nonconforming curb cuts shall be removed and restored to the appropriate streetscape requirements.
  - (iv) Direct pedestrian access shall be provided from the principal entrance of the building to the sidewalk on the closest public right-of-way or other circulation built to the street standards.
- (h) **Parking.**
- (i) Surface and structure parking areas shall be accessed from a secondary street, from an adjacent property (joint access easement and shared use agreement necessary), or from rear alleys if any of these are available or proposed as part of the development.
  - (ii) Vehicular use areas for multifamily and non-residential uses shall be prohibited between the building façade line and the street for front and street-side yards.
  - (iii) Consistent with Article XIII Section 13.5, Parking, all striped on-street parking spaces contiguous with the property line may count towards the minimum on-site parking requirements but will be accessible for the general public as well. Developers are

encouraged to construct on-street parking, where permitted, to count towards the parking requirements if on-street parking is not already present.

- (iv) Number of parking spaces, parking lot layouts and parking garage design are subject to the standards set forth in Article XIII.
  - (i) **Landscaping Requirements.** Other than the streetscape requirements included in this Article, requirements for landscape on each site are provided for in Article XII, Landscaping, Tree Planting. The Required Buffer Yards of Table 12.4.1 are not required between adjacent properties, unless the adjacent parcel is in a zoning district outside of the Target Areas. The right-of-way buffers are exempted and replaced with the streetscape requirements of this Section.
  - (j) **Architectural Design Requirements.** Architectural requirements from Article VIII, Architectural Design are applicable to all target areas.
  - (k) **Streetscapes.** In cases where significant public improvements have been made to the streetscape within the past five (5) years of the development that makes compliance with the streetscape requirements impracticable upon demonstration by the applicant, and the required increase in sidewalk width is two (2) feet or less, the Land Use Administrator, or designee, may grant an exception to the prescribed streetscape standards. However, in all instances, the sidewalk width shall not be less than five (5) feet. The Land Use Administrator, or designee, may also grant exceptions to the location of the sidewalk and the furnishing zone in the case where significant public improvements have been made to the streetscape within the past five (5) years.
- (B) **Specific Use Standards for the Target Areas.**
- (1) **Single-Family Developments.** Single-family developments and redevelopments are subject to the following setbacks and general provisions.
    - (a) For front-loaded single-family developments, a twenty (20) feet minimum setback from the required streetscape is required for the garage.
    - (b) Front loaded garages shall be recessed a minimum of five (5) feet from the principal façade of the house.
    - (c) Front-loaded garages shall make up no more than fifty percent (50%) of the width of the ground floor primary façade of the house.
  - (2) **Auto Repair, Carwash.** All principal and accessory structures used for automobile service shall be located and constructed in accordance with the following requirements:
    - (a) Bay openings shall be located to the side or rear of the building and shall be screened from the street by a streetwall. The streetwall shall be a minimum of three (3) feet and a maximum of four (4) feet in height. Any portion of a streetwall more than three (3) feet in height above grade shall be no more than fifty percent (50%) solid. The remaining fifty percent (50%) can be composed of decorative material other than brick, stone, or concrete. Streetwalls shall be a minimum of two (2) feet from the right-of-way. Landscaping is not considered a decorative material.
    - (b) If located on a corner lot, bay openings may face the side-street but shall be architecturally integrated into the building design.
    - (c) All bay openings shall be oriented away from adjacent single family residential districts.
    - (d) Accessory car wash structures shall not exceed twenty (20) feet in height.
  - (3) **Drive-through Facilities.** Drive-through facilities are auto-oriented and therefore prohibited in the DC, CA and DN Districts. Drive-throughs are discouraged within the GW, MHC, and MP zoning districts, but may be approved through a Special Exception Use Order application per Table 4.3.1, with the following limitations:
    - (a) Limited to one (1) drive-through lane per use.



- (b) Drive-through facilities shall not directly access an arterial street.
  - (c) The number of access points to public streets shall be minimized. This may be accomplished through the provision of joint driveway access from the adjacent sites.
  - (d) Drive-through lanes and windows shall be located along the side or rear of buildings, away from street frontages.
  - (e) Adequate queuing space shall be provided for drive-through windows and order stations in compliance with the Article XIII Section 13.10, Stacking for Drive-Thru Facilities.
  - (f) Vehicular use areas, including drive-throughs, shall be screened by a streetwall. Breaks may be permitted in the streetwall to provide pedestrian access to the site and for the purpose of tree protection.
    - (i) The streetwall shall be a minimum of three (3) feet and a maximum of four (4) feet in height. Any portion of a streetwall more than three (3) feet in height above grade shall be no more than fifty percent (50%) solid. The remaining fifty percent (50%) can be composed of decorative material other than brick, stone, or concrete. Streetwalls shall be a minimum of two (2) feet from the right-of-way. Landscaping is not considered a decorative material.
- (4) **Convenience Stores with Fuel Stations and Automotive Services.** Convenient Stores with Fuel Stations are auto-oriented uses and may be permitted as shown in Table 4.3.1. However, all automotive services shall meet the standards of this document and the following provisions:
- (a) The convenience store or building shall be located in the front of the site meeting the required building setback.
  - (b) The gas pumps may be located to the side or rear of the main building.
  - (c) A maximum of four (4) fuel positions (may be dual sided for a total of eight (8) fueling pumps) per gas station are allowed.
  - (d) Auto repair bay and car wash openings, service and storage areas, and refuse enclosures shall be oriented away from public view.
  - (e) Vehicular use areas shall be screened by a streetwall. Breaks may be permitted in the streetwall to provide pedestrian access to the site and for the purpose of tree protection.
    - (i) The streetwall shall be a minimum of three (3) feet and a maximum of four (4) feet in height. Any portion of a streetwall more than three (3) feet in height above grade shall be no more than fifty percent (50%) solid. The remaining fifty percent (50%) can be composed of decorative material other than brick, stone, or concrete. Streetwalls shall be a minimum of two (2) feet from the right-of-way. Landscaping is not considered a decorative material.
  - (f) The fuel canopy clearance shall not exceed eighteen (18) feet.
  - (g) The fuel canopy roofs shall not be flat and shall incorporate some of the architectural features used in the main building, such as decorative columns, roofing forms and materials.
  - (h) The fuel canopy shall have similar architecture to the building.
  - (i) The fuel canopy shall meet the minimum building setbacks and is exempt from the maximum setbacks.
  - (j) Only one (1) curb cut per street frontage is allowed.
  - (k) No more than one (1) gas station is allowed per block face.
- (5) **Personal Storage.** All Personal Storage Facilities within the Target Areas, per Table 4.4.1, shall meet the following provisions:

- (a) Building façades visible from the public right-of-way or a lake shall have the appearance of an office and/or retail building through the use of doors, windows, awnings, and other appropriate building elements.
  - (b) Detailed building elevations shall be submitted prior to any action or recommendation by the City with the Special Exception Use Order permit application.
  - (c) A minimum of at least fifteen (15) percent of the ground floor space and a minimum of seventy-five (75) percent of the primary street frontage shall be reserved for functional space used by at least one additional principal use. Acceptable principal uses include but are not limited to eating and drinking establishments, retail businesses, or personal services.
  - (d) Personal storage shall be provided only as a part of mixed-used development in Target Areas.
- (6) **Industrial Uses with Outdoor Storage or Display.** Industrial Uses with Outdoor Storage or Display are not permitted to expand in the Target Areas without a Special Exception Use Order or, if approved, as a light industrial use.

**(C) Downtown Core (DC).**

**Intent/Purpose.** The Downtown Core is intended to provide for two (2) concentrated areas of residential, commercial, office, industrial, recreational, and cultural facilities at a scale which serves the entire City. A mixture of land uses is specifically intended; large-scale developments composed of a single type of use shall be strongly discouraged. Pedestrian-oriented streets lined with stores, service businesses, entertainment businesses and restaurants are essential aspects of a vibrant and diversified Downtown. The policies and requirements of the Downtown Core are intended to create and strengthen this character by ensuring that guidelines are provided for new development to be compatible with existing development in use as well as design. The Downtown Mixed-Use District aligns with the goals of the Comprehensive Plan for the Future Land Use Designation of Downtown Core.

- (1) **General Standards.** Subject to the general standards for Target Areas in Section 4.13(A).
- (2) **Block Size.** Block perimeter is limited to one thousand six hundred (1,600) feet maximum.
- (3) **Legally Nonconforming.** Single-family detached residential is considered a legally nonconforming use. No new single-family detached is permitted. All existing single-family developments are subject to the regulations in Article VII, Section 7.3 (E) Single-Family Residential Non-Conformities.
- (4) **Noise Exceptions.** The requirements of Chapter 22, Article IV of the Code of Ordinances, and any other noise regulations adopted by the City, shall not apply to Entertainment uses.
- (5) **Street Network.** A street hierarchy shall be presented at the time of Development Plan review and shall comply with Local Commercial and Alley vehicular lane width standards from Article XI, Streets and Sidewalks, Section 11.1 and Bicycle traffic shall be accommodated per Section 11.1(D) and 11.1(E).
- (6) **DC Streetscape Requirements.**
  - (a) Beginning at the back of curb, a furnishing zone with a minimum dimension of seven (7) feet, followed by a sidewalk with a minimum dimension of eight (8) feet. If an optional retail zone is provided with a minimum dimension of five (5) feet, the furnishing zone minimum dimension may be reduced to five (5) feet, followed by a sidewalk minimum dimension of six (6) feet.
  - (b) **Furnishing Zone:** The furnishing zone is required at a minimum of seven (7) feet and shall include the following:
    - i. Large trees shall be provided in the furnishing zone of the streetscape spaced at not more than forty (40) foot spacing. Trees are required to be planted in tree wells using structural soil or a soil cell, and root barrier systems.
    - ii. Planter boxes or potted plants as well as café seating or amenities such as bicycle parking, public seating, or plazas may be provided within this zone.
    - iii. Street lighting.



- (c) **Retail Zone or Residential Buffer.** This zone is optional at a minimum of five (5) feet wide. This zone may be populated with but not limited to:
  - i. Retail signage such as A-Frame
  - ii. Retail wares for sidewalk sales
  - iii. Storefront awnings
  - iv. Pots/planters
  - v. Tables and chairs for outdoor dining
  - vi. Stairs or entryways to residential units or common space of residential developments
  - vii. Additional sidewalk
- (d) Should any part of the sidewalk fall within private property an easement will be required over that area.
- (e) Modifications to the placement of the furnishing zone and sidewalk may be approved through deviations. When recent public improvements have been installed, the Land Use Administrator may also grant an exception per Section 4.13(A)(1)(k), Streetscapes.
- (f) Modifications for additional programming for the public realm to satisfy bonus eligibility criteria shall be coordinated with staff at the time of site plan review.

**(D) Central Avenue District (CA).**

**Intent/Purpose.** Central Avenue from Magnolia to Mitchell Hammock Road. To create a main street along the Central Avenue corridor, including connecting the old and new Downtown areas, commercial uses are encouraged to expand along this corridor. In line with the Downtown Transition Future Land Use designation, properties on the east and west side of Central Avenue, provide a diverse mix of uses at a lower scale than the Downtown Core that is complementary and compatible with surrounding neighborhoods. Buildings can be multistory and include multiple uses, but at lower heights and density than in the Downtown Core. Compatibility with existing adjacent land uses will be reviewed at the site plan level to provide for adequate buffers and design techniques.

- (1) **General Standards.** Subject to the General Standards for Target Areas Section 4.13 (A).
- (2) **Central Avenue Streetscape Requirements.**
  - (a) **Fifteen (15) foot Streetscape.** Beginning at the back of curb an eight (8) feet wide sidewalk shall be installed adjacent to a seven (7) feet wide furnishing zone.
    - i. Large trees shall be provided in the streetscape spaced at one (1) tree per forty (40) feet of property frontage. Waivers for tree spacing may be considered for access drives or the construction of on-street parking spaces.
  - (b) Should any part of the sidewalk fall within private property an easement will be required over that area.
  - (c) Modifications to the placement of the furnishing zone and sidewalk may be approved through deviations. When recent public improvements have been installed, the Land Use Administrator may also grant an exception per Section 4.13(A)(1)(k), Streetscapes.

**(E) Downtown Neighborhood (DN).**

**Intent/Purpose.** The Downtown Neighborhood District applies to all properties with the Downtown Transition (DT) Future Land Use designation, except for those located in the Central Avenue District. This District will allow for single-family residential homes and more opportunities for “Missing Middle” housing, including small multi-dwelling housing types such as duplexes, triplexes, fourplexes, multiplexes, garden apartments, cottage homes, and live-work units within a size and scale appropriate for intermingling the once solely single-family neighborhoods. Properties within the Downtown Neighborhood zoning district provide a diverse mix of uses at a lower scale than the Downtown Core and Central Avenue zoning districts

that are primarily residential in character. Buildings can be multistory and include multiple uses, but at lower heights and site coverage than in the Downtown Core. Compatibility with existing adjacent land uses will be reviewed at the site plan level to provide for adequate buffers and design techniques.

- (1) **General Standards.** Subject to the General Standards for Target Areas Section 4.13 (A).
- (2) **Block Size.** Block perimeter is limited to two-thousand (2,000) feet maximum.
- (3) **Streetscape Requirements.**
  - (a) Street trees are required in furnishing zones between the street and sidewalk upon change of use or new development.
    - i. Large trees shall be provided in the streetscape spaced at one (1) tree per forty (40) feet of property frontage. Deviations for tree spacing may be considered for access drives or the construction of on-street parking spaces.
  - (b) Sidewalks shall be required to be constructed along the entire length of the property as the property adjoins public right-of-way upon redevelopment or change of use, at a minimum of six (6) feet wide. Sidewalks shall be required to be constructed at the outside edge of the right-of-way, unless a modified location is approved by the Land Use Administrator, or designee.
  - (c) The minimum furnishing zone width shall be five (5) feet.
  - (d) Modifications to the placement of the furnishing zone and sidewalk may be approved through deviations. When recent public improvements have been installed, the Land Use Administrator may also grant an exception per Section 4.13(A)(1)(k), Streetscapes.
  - (e) Modifications for additional programming for the public realm to satisfy bonus eligibility criteria shall be coordinated with staff at the time of site plan review.

**(F) Mitchell Hammock Corridor (MHC).**

**Intent/Purpose.** The Mitchell Hammock Corridor applies to properties north and south of West Mitchell Hammock Road extending from Norma Avenue to SR-417. The existing condition is large undeveloped parcels centrally located within the City along a major transportation corridor. Commercial and mixed-use development is encouraged including a balance of high density residential. To maintain the commercial character, commercial uses are required along the Mitchell Hammock Road corridor.

- (1) **General Standards.** Subject to the General Standards for Target Areas Section 4.13 (A).
- (2) **Block Size.** Block perimeter is limited to two thousand four hundred (2,400) feet maximum.
- (3) **Noise Exceptions.** The requirements of Chapter 22, Article IV of the Code of Ordinances, and any other noise regulations adopted by the City, shall not apply to Entertainment uses.
- (4) **Street Network.** A street hierarchy shall be presented at the time of Development Plan review and shall comply with Local Non-Residential and Alley vehicular lane width standards from Article XI, Streets and Sidewalks, Section 11.1 and Bicycle traffic shall be accommodated per Section 11.1(D) and 11.1(E).
  - (a) **Streetscape Requirements for Primary Streets.** Shall comply with the standards for the DN zoning district Streetscape from Section 4.13(E)(3).
  - (b) **Streetscape Requirements for Secondary Streets.**
    - i. **Furnishing Zone.** Street trees are required in a continuously planted parkway strip between the street and sidewalk or in tree wells. Both options require a minimum width of seven (7) feet and root barriers for tree plantings.
      1. Large trees shall be provided in the streetscape spaced at one (1) tree per forty (40) feet.
      2. Small and medium trees where overhead utilities exist.

3. For underground utilities, possibly provide for the required street trees on the private property.
- ii. **Sidewalk.** Sidewalks shall be required to be constructed along the entire length of the proposed street as the property adjoins public right-of-way upon redevelopment or change of use, at a minimum of six (6) feet wide. Sidewalks shall be required to be constructed at the outside edge of the furnishing zone, unless a modified location is approved by the Land Use Administrator, or designee.
  1. Modifications to the placement of the furnishing zone and sidewalk may be approved through deviations. When recent public improvements have been installed, the Land Use Administrator may also grant an exception per Section 4.13(A)(1)(k), Streetscapes.
  2. Modifications for additional programming for the public realm to satisfy bonus eligibility criteria shall be coordinated with staff at the time of site plan review.
- (5) **Exceptions to Maximum Setbacks.** The Land Use Administrator, or designee, may increase the maximum street-side setback to not more than forty (40) feet for the following:
  - (a) Eating and drinking establishments to accommodate outdoor eating areas in the front or street-side yard. A street wall shall be provided between the outdoor eating area and the street;
  - (b) A publicly accessible open space programmed with passive or active recreational activities exceeding a sodded area. This may include public art, seating and shade, outdoor games, or other recreational activities approved by the Land Use Administrator, or designee.
- (5) **Parking Location.** If the maximum street-side setback is waived to include an outdoor eating area or publicly accessible space, the parking and/or vehicular use areas may exist between the street-side façade line and the street.
- (6) **Prohibited.** Within five hundred (500) feet of West Mitchell Hammock Road, detached single-family housing and single-use residential projects are prohibited.

**(G) Gateway West (GW).**

**Intent/Purpose.** The Gateway West District is intended for high density/intensity development and in the western portion of the City near regional transportation facilities on land that has been identified for potential growth opportunities. This target area is largely developed with multifamily, commercial, office, and institutional uses. Mixed-use developments are encouraged incorporating the highest density residential permitted in the City.

- (1) **General Standards.** Subject to the General Standards for Target Areas Section 4.13(A), General Standards.
- (2) **Legally Nonconforming.** Single-family residential is considered a legally nonconforming use. No new single-family is permitted. All existing single-family developments are subject to the regulations in Article VII Section 7.3(E), Single-Family Residential Non-Conformities.
- (3) **Block Size.** Block perimeter is limited to two thousand (2,000) feet maximum.
- (4) **Street Network.** A street hierarchy shall be presented at the time of Development Plan review and shall comply with Local Non-Residential and Alley vehicular lane width standards from Article XI Section 11.1, Street, Sidewalk, and Bicycle Facility Requirements, and Bicycle traffic shall be accommodated per Article XI Section 11.1(D) and (E).

**(H) MarketPlace (MP).**

**Intent/Purpose.** The MarketPlace District includes the area within the Oviedo Marketplace Development of Regional Impact (DRI). The existing DRI controls land use and entitlements in this classification until such time as the DRI terminates or is rescinded in whole or in part. The appropriate land use mix should focus on non-residential uses complementary to the existing uses on the MarketPlace property primarily through the addition of high density residential or office uses. Mixed-use developments shall contain a functional, compatible mix of uses within close proximity to each other (which may include established uses)

and encourage nonmotorized travel between uses, thus further reducing motorized traffic on the circulation system.

- (1) **General Standards.** Subject to the General Standards for Target Areas Section 4.13(A), General Standards.
- (2) **Legally Nonconforming.** Single-family detached residential is considered a legally nonconforming use. No new single-family detached is permitted. All existing single-family detached developments are subject to the regulations in Article VII, Section 7.3(E), Single-Family Residential Non-Conformities.
- (3) **Block Size.** Block perimeter is limited to two thousand (2,000) feet maximum.
- (5) **Street Network.** A street hierarchy shall be presented at the time of Development Plan review and shall comply with Local Non-Residential and Alley vehicular lane width standards from Article XI Section 11.1, Street, Sidewalk, and Bicycle Facility Requirements, and Bicycle traffic shall be accommodated per Article XI Section 11.1(D) and (E).
- (6) **Primary Frontage.** Oviedo Mall Boulevard shall be treated as a primary frontage.
- (7) **Process.** Upon the rescission of the DRI in whole or in part, a Master Land Use Plan is required including all land commonly owned or managed within four-hundred (400) feet of the subject site.

#### SECTION 4.14 – DENSITY/INTENSITY BONUSES FOR PUBLIC BENEFIT

**General Standards.** The following sections describe the quantity of bonus density and/or intensity that may be granted based on each benefit provided, per Policy 1-1.1.6 of the Comprehensive Plan. Where both intensity and density bonuses are available in a category, the applicant may receive both the intensity and density bonus except as otherwise stated. In no case shall the bonus from any single category or any combination of categories exceed the maximum thresholds established by the Comprehensive Plan.

##### (A) **Affordable/Workforce Housing.**

- (1) Developments are eligible for the following density and intensity bonuses when including workforce or affordable housing in the development. Where mixed-uses are permitted, an applicant may receive both a density and intensity bonus for the same affordable unit.
  - (a) For each workforce/moderate income housing unit (80-120% AMI)
    - i. One half (0.5) of a bonus unit
    - ii. Two thousand five hundred (2,500) square feet
  - (b) For each low-income housing unit (50-80% AMI)
    - i. Four (4) bonus units
    - ii. Five thousand (5,000) square feet
  - (c) For each very low-income housing unit (<50% AMI)
    - i. Six (6) bonus units
    - ii. Five thousand (5,000) square feet
  - (d) In the MP, GW, DC, DT, and MHC, the residential density bonuses described in (a) through (c) are doubled.

##### (B) **Green Building** or other recognized practices to enhance sustainability including renewable energy, recycling, stormwater harvesting, and electric vehicle charging stations.

- (1) In order to qualify for a bonus, the property owner shall execute a restrictive covenant to achieve the specified LEED (Leadership in Energy and Environmental Design), SITES (Sustainable Sites Initiatives), or FGBC (Florida Green Building Coalition) certification (Silver, Gold, or Platinum), or similar certification as accepted by the Land Use Administrator, with a scorecard and checklist that will guarantee certification upon completion. The Developer shall provide an amount determined

by the Fee Schedule to be held in escrow until the certification is received. If the certification has not been delivered to the City within six (6) months of certificate of occupancy, the City shall retain the amount held in escrow and transfer such funds to the Sustainability Fund.

- (2) If a development is projected to receive a certification from LEED, SITES, or FGBC, or similar certification as accepted by the LUA, the applicant will be eligible for a percentage of the maximum available bonus for the applicable future land use designation per Policy 1-1.1.6 Density/Intensity Bonus of the Comprehensive Plan. The percentage of bonus applicable for each level of green building certification is listed in the Table 4.14.1:

<b>TABLE 4.14.1: AVAILABLE BONUSES FOR GREEN BUILDING AND SITE DESIGN CERTIFICATIONS</b>		
Percentage of Maximum Bonus		
Platinum	Gold	Silver
100%	60%	40%

**(C) Publicly accessible plaza, courtyards, open space, and public schools.**

- (1) Land dedicated to the following uses provides eligibility for density or intensity bonuses under this provision;
  - (a) **Active Public Space:** Public or semi-public space that is an activated use, such as a playground, exercise equipment or sports structures, or any other usable space that is deemed an active use by the City (excluding sports fields);
  - (b) **Passive Public Space:** Public or semi-public space that is a courtyard, green space, or plaza with passive uses, like benches, trash cans, seating with tables, and a public fountain; or combination of similar amenities.
  - (c) **School:** land donated to the Seminole County School District as a public elementary, middle, or high school.
- (2) If five percent (5%) or more of the net buildable area of the site above the minimum LDC requirement is devoted to an active public space or passive open space, the development will be eligible for the bonus described in Table 4.14.2 calculated as a percentage of the maximum available bonus per Policy 1-1.1.6 of the Comprehensive Plan. If both active and passive public spaces are provided, the acreage eligible for bonus credit may be based on the combined amount of active and passive public space and the applicant may determine which acreage is counted towards the minimum requirements and which acreage is counted towards the bonus in order to maximize bonus credit.
- (3) If five percent (5%) or more of the net buildable area of the site is devoted to public schools, the development will be eligible for the bonus described in Table 4.14.2 calculated as a percentage of the maximum available bonus per Policy 1-1.1.6 of the Comprehensive Plan.

<b>TABLE 4.14.2: AVAILABLE BONUSES FOR PUBLIC SPACE AND PUBLIC SCHOOLS</b>				
<b>Typology:</b>	<b>Percentage of Net Buildable Area Dedicated:</b>			
	<i><b>If less than 5%</b></i>	<i><b>If equal to 5%</b></i>	<i><b>Greater than 5% and less than 25%</b></i>	<i><b>If 25% or more</b></i>
	<b>Percentage of Maximum Bonus Eligible:</b>			
Active Public Space (above minimum required)	No bonus	20%	additional 4% for every* additional 1% of net buildable area	100%
Passive Public Space (above minimum required)	No bonus	10%	additional 2% for every* additional 1% of net buildable area	50%
School	No bonus	20%	additional 4% for every* additional 1% of net buildable area	100%

**(D) Funding Public Transportation programs or on-site public transportation facilities.**

- (1) The applicant may be granted a bonus for providing on-site multimodal facilities. Facilities may include:
  - (a) Parking for car share services with a multi-year agreement with a provider: up to 20%;
  - (b) Provision of private bike share program, with a minimum 5-year agreement with a provider: up to 10%;
  - (c) Covered short-term bicycle parking shelters: up to 1%;
  - (d) Enhanced transit shelters: up to 2%;
  - (e) Extension of an existing or planned bike trail: up to 25%;
  - (f) Facilities for a trail head as determined by the Land Use Administrator: up to 20%.
- (2) The applicant may receive up to a maximum of fifty percent (50%) of the available bonus applied to the net buildable area if the improvement(s) is/are associated with or an enhancement of the development.
- (3) Should any of the facilities fall into disrepair, or if services discontinue, payments shall be due to the City to repair the facility or provide alternative service.
- (4) In lieu of the installation of multimodal infrastructure pursuant to this section, an applicant may satisfy the transportation requirement of this section by making a monetary contribution to the City which contribution shall be reasonably calculated to compensate the City for providing multimodal facilities that are fairly proportional to the impacts of the bonus. Proceeds from such a contribution may be spent by the City on multimodal facilities in close proximity to the site.

**(E) Structured Parking that includes publicly accessible parking.**

- (1) In single use residential projects, if at least 25% above the minimum required number of parking spaces is available to the public for short-term parking, the applicant will be eligible for 50% of the available density/intensity bonuses. In mixed-use residential projects, if at least 25% of the total parking is available to the public for short-term parking, the applicant will be eligible for 50% of the available density/intensity bonuses. If a lower or higher percentage of parking is provided in single use residential projects or in mixed-use residential projects, the density bonus will be reduced proportionally.



- (a) The parking may be fee-based at the owner's discretion.
- (b) The property owner will be responsible for maintenance and security.
- (c) For developments outside of target areas, the applicant shall demonstrate proximity to a use or area in need of parking at complementary hours to participate in the bonus.

**(F) Targeted Businesses or Industries, or Museum, Library, or other Cultural Facility.**

- (1) Targeted Industries listed in Section 2-233 of the City Code of Ordinances; and
- (2) Museum, library, or other cultural facility subject to the requirement that the land or square footage shall be leased to a non-profit or government agency at zero dollars or a nominal fee for at least twenty (20) years and the applicant shall have a letter of intent from an initial operator to qualify for the bonus.
- (3) The applicant is eligible for an FAR bonus equivalent to the square footage dedicated to the qualifying uses. The Applicant may convert bonus square footage to residential units at a rate of 1,000 square feet per unit, not to exceed the maximum available residential density bonus.

**(G) Space that Contributes to the Public Realm.**

- (1) Applicants may receive up to thirty-three percent (33%) of the available density/intensity bonus for substantial enhancements to the public realm in one of the following two ways:
  - (a) Improvements to the sidewalk and permanent public art, which includes statues, murals, and sculptures which are able to be viewed by the public from the right-of-way, free of charge. The bonus is only applicable within one-hundred (100) feet of the enhancement. Murals cannot advertise a specific business; or
  - (b) Improvements to the sidewalk including sidewalk furniture, enhanced lighting fixtures, plantings or hardscaping exceeding requirements. Sidewalk improvements shall be applied to all block faces for which the bonus is being credited.
  - (c) The eligible bonus amount, up to the maximum thirty-three (33%) percent, shall be determined in the development agreement.

**(H) Preservation of an Historic Structure (per Florida Building Code).** For the purposes of this LDC and the referenced documents, an historic building is defined as a building or structure that is:

- (1) Individually listed on the National Register of Historic Places; or
- (2) A contributing property in a National Register of Historic Places listed district; or
- (3) Designated as historic property under an official municipal, county, special district or State designation, law, ordinance or resolution either individually or as a contributing property in a district; or
- (4) Determined eligible by the Florida State Historic Preservation Officer for listing in the National Register of Historic Places, either individually or as a contributing property in a district; or
- (5) Determined significant by City Council.
- (6) Based on the definition of an Historic Building, an applicant may be eligible for an FAR bonus equivalent to the square footage dedicated to the historic structure being preserved in the following ways:
  - (a) Adaptive Reuse of an historic building using the Secretary of the Interior Standards for Treatment of Historic Buildings.
  - (b) Rehabilitate/Restore an historic building using the Secretary of the Interior Standards for Treatment of Historic Buildings.
- (7) For a non-habitable structure, City staff may calculate an equivalent square footage based on the footprint and height of the structure.

- (8) The applicant is eligible for an FAR bonus equivalent to the square footage dedicated to the qualifying uses. The Applicant may convert bonus square footage to residential units at a rate of 1,000 square feet per unit, not to exceed the maximum available residential density bonus.
- (9) The maximum eligible bonus for historic preservation is forty (40%) percent.

#### SECTION 4.15 – PROHIBITED USES AND SPECIFIC EXCLUSIONS

(A) **Prohibited Uses.** The following uses are specifically prohibited in all districts:

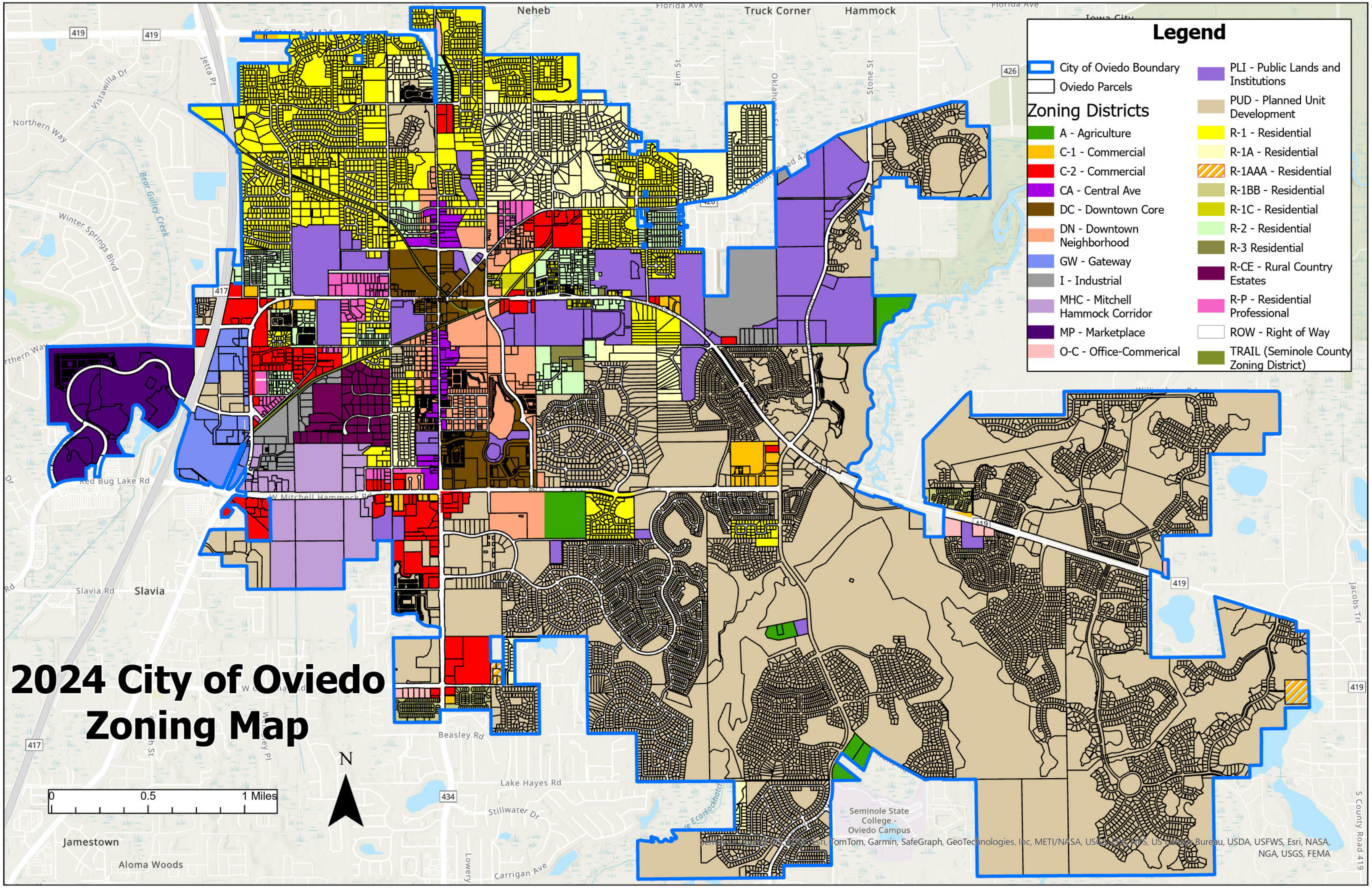
- (1) Any use that involves the manufacture, handling, sale, distribution or storage of any highly combustible or explosive materials in violation of the Florida Fire Prevention Code, latest edition.
- (2) Stockyards, slaughterhouses, or rendering plants.
- (3) Use of a vehicle, motor vehicle, or temporary structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business conducted unless it is approved with a development order, an authorized accessory use approved with a development order, or special event.
- (4) Adult Entertainment establishments except as permitted by the City of Oviedo, Code of Ordinances.

(B) **Prohibited Accessory Uses.** The following activities are prohibited in residential districts:

- (1) Storage outside of a substantially enclosed structure of any motor vehicle that is either unlicensed or inoperable.
- (2) Parking outside a substantially enclosed structure of any boat trailer, boom truck, dump truck, camping trailer, recreational vehicle, semi-trailer, temporary living quarters, trailer, travel trailer, truck camper, truck-tractor, truck trailer, wrecker, single-unit truck or motor home between the front building line of the principal building and the street on any residential lot.

(C) **Hazardous Materials.** Storage of hazardous materials or hazardous waste shall not be permitted within the one-hundred-year floodplain.





**Legend**

- |                                 |   |
|---------------------------------|---|
| City of Oviedo Boundary         | PLI - Public Lands and Institutions     |
| Oviedo Parcels                  | PUD - Planned Unit Development          |
| <b>Zoning Districts</b>         |   |
| A - Agriculture                 | R-1 - Residential                       |
| C-1 - Commercial                | R-1A - Residential                      |
| C-2 - Commercial                | R-1AAA - Residential                    |
| CA - Central Ave                | R-1BB - Residential                     |
| DC - Downtown Core              | R-1C - Residential                      |
| DN - Downtown Neighborhood      | R-2 - Residential                       |
| GW - Gateway                    | R-3 Residential                         |
| I - Industrial                  | R-CE - Rural Country Estates            |
| MHC - Mitchell Hammock Corridor | R-P - Residential Professional          |
| MP - Marketplace                | ROW - Right of Way                      |
| O-C - Office-Commerical         | TRAIL (Seminole County Zoning District) |

**2024 City of Oviedo  
Zoning Map**

0 0.5 1 Miles





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# Article V: Other Specific Uses and Structures

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## SECTION 5.1 – ACCESSORY STRUCTURES

(A) **Types of Accessory Structures.** Accessory structures shall meet the setback requirements provided in Section 5.1.B(3) except as otherwise permitted in this Section. Common accessory structures include:

- (1) Accessory Pool, Patio, or Screen Enclosure Structure in Section 5.1.(C).
- (2) Other detached structures (pergolas, sheds, cabanas, gazebos, garages, etc.)
- (3) Fences and Walls in Section 5.1.(D).
- (4) Mechanical, Gas and Plumbing Equipment in Section 5.1.(E).
  - (a) Roof-top equipment
  - (b) Ground-mounted equipment
  - (c) In-ground equipment
- (3) Solar Panels in Section 5.1.(E)(5).
- (4) Flags and Flagpoles in Section 5.1.(G).
- (5) Boat Docks in Section 5.1.(H).
- (6) Food trucks may be permitted as an accessory use to any nonresidential uses.
- (7) Accessory Dwelling Units in Section 5.10.

(B) **General Requirements.**

- (1) **Construction Timing.** No accessory structure may be developed until after the start of construction of the principal use on the building site, and no accessory structure may be used unless the principal structure has been issued a certificate of occupancy or similar approval.
- (2) **Size.** Accessory structure shall not exceed the primary structure size. Accessory dwelling units will follow the size limitations per Section 5.10.
- (3) **Location.** Accessory structures shall be located in accordance with the following standards:
  - (a) **Same Building Site.** Accessory uses and structures shall be located on the same building site as the associated principal use.
  - (b) **Relationship to Street Setbacks.** Detached and enclosed garages and ADU(s) cannot be located in front of the principal structure, but they can be located on the side and behind the front façade of the principal structure, or to the rear, as long as they meet setback requirements and their appearance matches the principal structure. Sheds located to the rear of the principal structure are exempt from matching the appearance of the principal structure.
  - (c) **Minimum Setbacks from Rear Lot Line for Accessory Structures.** Rear lot line setbacks are based on size and height of accessory structure as described in Table 5.1.1:

<p><b>TABLE 5.1.1 REAR SETBACK REQUIREMENTS FOR DETACHED ACCESSORY STRUCTURES</b></p>
---

Size	Height*	
	≤12 ft.	> 12 ft.
≤ 120 sq. ft.	5 ft.	15 ft.
> 120 sq. ft.	10 ft.	15 ft.

\* For structures with multiple heights, the height of the tallest portion of the building shall determine the setback requirement. For structures with habitable space on the top such as a rooftop deck, the structure shall meet the setback for a structure greater than 12 feet tall.

(d) **Breezeways Connecting Two Structures.** Both structures shall meet the principal structure setbacks, provided that the breezeway meets the following standards:

1. Setbacks When Attached by a Breezeway for Detached Single-Family Residential.

- i. An accessory structure that meets the principal structure setbacks may be connected to the principal structure by a breezeway when all the following conditions are met:
  - a. The breezeway is open-air, with no screened in or enclosed space; or
  - b. The breezeway is screened in, enclosed, or air-conditioned.

(e) **Easements.** Utility and drainage easements take precedence over the setback requirements outlined in this section.

(4) **Accessory Structure Design Requirements.**

(a) In the case of a corner lot, the detached structure shall be setback from the street-side property line no less than the minimum setback for the principal structure.

(C) **Accessory Pool, Patio or Screen Enclosure Structure Requirements.** Accessory structures such as pools, patio decks and outdoor screen enclosure structures are permissible in residential districts in accordance with the following requirements:

(1) **Locational Requirements.** Allowable locations of swimming pools, patios, and screen enclosures:

- (a) Accessory pool, patio and screen enclosures shall be located to the rear of the principal structure on residential lots. Accessory structures may be located to the side of the principal structure provided that they meet the principal structure setback.
- (b) No point of an accessory screen enclosure structure may exceed the height of the principal structure on a residential lot.

(2) **Minimum Setback Requirements.**

(a) Swimming pools, patios, and screen enclosure structures:

- (i) Five (5) feet from side, rear, and alley property lines, and for every 1 foot that the screen enclosure is over 12' in height they will be set back an additional 1 foot. The screen enclosure shall not exceed the height of the principal structure;
- (ii) Fifteen (15) feet from street-side property lines;
- (iii) Ten (10) feet behind the front façade of the principal structure; and
- (iv) For setbacks from Normal High-Water Line and wetlands refer to Article XV Section 15.5(B)(1) and Section 15.4(B)(1-2).

(b) Any portion of a screen enclosure that contains a solid roof consistent with the principal structure is subject to all setbacks for principal structures.

(c) Accessory structures are not permitted to encroach on any easement unless otherwise authorized.

(D) **Fences and Walls.**

(1) **Height and Setback Requirements.**

- (b) Fences and walls shall have a maximum height of six (6) feet, unless otherwise specified below in this section.
- (c) Fences and walls located in the front yard/setback (excluding retaining and subdivision walls) shall have a maximum height of four (4) feet and shall observe a minimum setback of two (2) feet from the right-of-way.
- (d) Rear and side yard fences and walls shall have a minimum setback of zero (0).
- (e) In the case of corner lots, if the side of a principal structure faces a right-of-way, the walls and fences shall be subject to the following criteria:
  - (i) Fences and walls with a maximum height of four (4) feet and a minimum setback of two (2) feet from the right-of-way.
  - (ii) Fences and walls in excess of four (4) feet may observe a setback equal to one-half (1/2) of the applicable building setback.
- (f) Fence posts and wall posts shall not exceed a maximum height of twelve (12) inches over the fence or wall height.
- (g) The fence shall be located outside of the visibility triangle per the City's Engineering Standards Manual requirements and all easements.

(2) **Subdivision wall facing ROW.** If a subdivision wall faces a right-of-way, the subdivision shall provide a tract (common area) or easement with a minimum width of five (5) feet between the private property and the right-of-way in which the subdivision wall/fence will be built.

(3) **Material consistency.** Fences and walls shall be constructed with materials that are consistent or complementary to the architecture of the development. Single-Family detached lots and duplexes are exempt.

(4) **Permissible wall finishing materials.** Permissible wall finishing materials include: stucco, masonry, brick, stone, and walls clad with substrate material intended to support living vegetation.

(5) **Permissible/prohibited fence materials.** Permissible fence materials include wood, vinyl, anodized or powder coated aluminum and wrought iron. Materials such as barbed wire, razor wire and chain link are prohibited; except that chain link fences are allowed on single-family detached lots and duplexes.

(6) **Construction Temporary Mesh Fence Wraps.**

- (a) Mesh fence wraps with graphics are allowed only on permitted construction temporary fences and shall not be considered signage.
- (b) Mesh fence wraps with graphics shall be immediately removed upon issuance of the Certificate of Occupancy for the project or within twenty-four (24) months of the installation of the mesh fence wrap, whichever is shorter.
- (c) Mesh fence wraps cannot exceed the height of the permitted fence.
- (d) Mesh fence wraps shall not impact the visibility triangle per FDOT requirements.

(E) **Mechanical, Gas, and Plumbing Equipment.** The intent of this section is to ensure that mechanical equipment is located in areas that are not visible from public streets by pedestrians. Single-family detached lots and duplexes are exempt from this section, unless otherwise stated below.

(1) **Mechanical, gas, and plumbing equipment shall be placed on the roof, on the side, or in the rear of each building.**

(2) **Roof-top equipment screening requirements.**

- (a) Roof-top mechanical equipment shall be completely screened from all ground level views by a parapet wall or other architectural feature, which feature shall be architecturally integrated to the building.
- (b) The parapet screen height shall be at least one (1) foot higher than the mechanical equipment being screened. The applicant shall provide an elevation plan that demonstrates the equipment is not visible from the pedestrian view at 100 feet from the building. Additional screening shall be provided if the equipment is visible.
- (c) Structural screening shall be consistent with the architectural elements, materials, and colors of the principal structure. Whenever practicable, these areas and equipment shall be integrated into the main structure.

**(3) Ground-mounted equipment screening requirements.**

- (a) Ground-mounted equipment shall not be visible from public rights-of-way, by pedestrians or adjacent residential properties.
- (b) Ground mounted equipment not included in (c) shall be located behind the primary façade of the principal structure.
- (c) Ground mounted equipment shall be located to the rear or side yards of single-family residential detached, duplex, multiplex, and townhomes and shall not be located between the building and the street.
- (d) Screening shall be provided at a minimum one (1) foot greater in height than the area/equipment being screened.
- (e) Structural screening shall be consistent with the architectural elements, materials, and colors of the principal structure. Whenever practicable, these areas and equipment shall be integrated into the main structure.

<b>TABLE 5.1.2 GROUND-MOUNTED EQUIPMENT SETBACK REQUIREMENTS<sup>1</sup></b>			
<b>Development Types</b>	<b>Front Setbacks</b>	<b>Side Setbacks</b>	<b>Rear Setbacks</b>
SFR Detached, Duplex and Multiplex	Prohibited	5 ft. <sup>2</sup>	5 ft
Townhomes	Prohibited	0 ft. <sup>3</sup>	5 ft.
All other development	Applicable front building setback	0 ft.	5 ft.

<sup>1</sup> Equipment shall not be located within an easement.

<sup>2</sup> Corner lots shall meet the front building setback.

<sup>3</sup> 3 feet side setback for corner lots.

**(4) In-Ground equipment requirements.**

- (a) Equipment shall not be located within an easement;
- (b) Equipment shall adhere to Florida Building Code requirements; and
- (c) Equipment shall be a minimum of two (2) feet from the property line.

**(F) Solar Panels.** Solar Panels shall be permitted in residential, commercial, and office development to allow renewable energy generation consistent with the character of the building and the development.

- (1) Solar panels that are not integrated in the architecture of the façade or roof shall be hidden from sight.
- (2) Solar panels and photovoltaic elements that are integrated into the building architecture shall comply with the architecture articulation or roof modulation.

(G) **Service Areas.** The intent of this section is to ensure that service areas, loading areas, refuse/recycling collection containers and dumpsters are located in areas that are not visible from public streets by pedestrians.

- (1) **Exemptions.** Single-family residential, duplex, multiplex, and townhome developments are exempted from this section.
- (2) **Setbacks.** The minimum rear and side setback to refuse/recycling collection containers shall be five (5) feet.
- (3) **Screening.** Screening requirements for refuse/recycling collection containers and dumpsters:
  - (a) Refuse/recycling collection containers and dumpsters shall be structurally screened.
  - (b) Screening shall be a minimum one (1) foot greater in height than the element being screened.
  - (c) Structural screening shall be consistent with the architectural elements, materials, and colors of the principal structure.
  - (d) Refuse/recycling containers and roll-off compactors shall be opaquely screened from view from public streets and adjacent properties to a height of at least 6 feet, or 6 inches higher than the height of the container (whichever is higher). This screening may be achieved by walls, landscaping or buffer yards, or by virtue of the location of the container on the building site.

(H) **Flags and Flagpoles.**

- (1) Property assigned a zoning district for any use other than single-family residential may, without being issued a sign permit or any other permit except for a building permit for the flagpole(s), locate up to three (3) flagpoles per site, provided that a building permit for each flagpole is issued by the City, and the construction of each flagpole occurs as permitted. A site which is assigned the Public future land use designation may be approved for additional flagpoles and the display of additional flags upon the issuance of a development order by the City Council which may include conditions relating to the temporary display of flags which do not comply with the flagpole structural requirements set forth in this section.
- (2) The maximum height for any flagpole is thirty-five (35) feet. Under no circumstances shall a flagpole be constructed or permitted to be constructed which is higher than thirty-five (35) feet.
- (3) The minimum height for any flagpole is twenty (20) feet and a maximum of ten (10) feet above the highest part of the structural roof. The flagpole shall not be mounted on or supported by the roof unless approved during site plan process or a non-statutory development agreement is approved by the City Council.
- (4) Flag sizes shall not exceed:
  - (a) Four (4) feet in width by six (6) feet in length on a flagpole twenty (20) to twenty-five (25) feet (20' < 25') in height.
  - (b) Five (5) feet in width by eight (8) feet in length on a flagpole twenty-five (25) to thirty (30) feet (25' < 30') in height.
  - (c) Six (6) feet in width by ten (10) feet in length on a flagpole thirty (30) to thirty-five (35) feet (30' ≤ 35') in height.
- (5) If a flagpole is constructed with a base, the base shall be constructed with materials that match the architectural style and materials as if a base for a sign were being permitted.
- (6) Flags shall be flown and displayed on a flagpole.

(I) **Boat Docks.** All boat docks shall be constructed in compliance with applicable building codes and according to the following dimensional and use regulations:

- (1) The maximum area of a boat dock, including boat house and terminal platform, shall be six hundred (600) square feet. The roof of the boat dock shall have a minimum slope of 2.5:12 (rise: run), shall not exceed the dimensions of the boat dock by more than three (3) feet on any side.



- (2) Boat docks shall extend waterward a maximum length of forty (40) feet as measured at a right angle from the shoreline. A waterward distance greater than forty (40) feet shall be approved by the Land Use Administrator or designee, and shall be approved only if written documentation demonstrates that the additional distance is necessary to accommodate motorized watercraft and minimize the impact to the lake, shoreline, wetlands and littoral vegetation
- (3) Boat docks shall have a minimum side yard setback of ten (10) feet.
- (4) The maximum width of the main access pier shall be six (6) feet. The minimum width of the main access pier shall be four (4) feet.
- (5) The minimum deck elevation shall be two (2) feet above the Normal High-Water Elevation (NHWE).
- (6) The maximum height of a boat dock and boat house shall be thirteen (13) feet above the normal high-water elevation provided that such height shall not be such as would unreasonably obscure the view of other lakefront owners.
- (7) The boat house shall not exceed two hundred fifty (250) square feet. The roof of the boat house shall have a minimum slope of 2.5:12 (rise: run) and shall not exceed the dimensions of the boat house by more than three (3) feet on any side.
- (8) The maximum area of the terminal platform shall be two hundred fifty (250) square feet.
- (9) Non-conforming boat docks shall comply with the requirements of this section and as set forth in Article VII, Non-Conforming Situations.
- (10) A copy of a legal survey of the property, proof of ownership, application fees, a statement of consent of use of State-owned sovereign lands from the appropriate State regulatory agency, and all applicable State and Federal regulatory agency permits shall accompany the application for building permit for construction of a boat dock. The survey shall include, but not be limited to, the following:
  - (a) Legal description, north arrow, scale and name of lake.
  - (b) Name of owner and address of property.
  - (c) Preparation and revision date.
  - (d) Identification of the preparer of the plan.
  - (e) Dimensions of the property and locations of all existing and proposed buildings, swimming pools, pool decks, retaining walls, fences, wall easements, and conservation areas.
  - (f) Location of boat dock including the distance from the side property lines and the distance between the existing shoreline at the point where the dock is to be constructed and a permanent object such as a house, swimming pool, or pool deck.
  - (g) Approximate location of the shoreline.
  - (h) Estimated normal high-water elevation and depth of water at the end of the proposed dock.
  - (i) Dimensions of the boat dock including the boat house and terminal platform.
  - (j) Floor elevation of the proposed dock and terminal platform and floor and roof elevation of the boat house.
- (11) The following uses are prohibited:
  - (a) Dredging activities, unless authorized by the appropriate State and/or Federal regulatory agency.
  - (b) Revenue generating or income related activities.
  - (c) Enclosed non-water dependent structures and/or uses of the dock for non-water dependent purposes.
  - (d) Living quarters or fueling facilities.

- (e) Interference with the rights of other persons or property owners to the use of, and access to, the lake.
  - (f) Adverse impact, harm or injury to any listed animal or plant species or critical habitat of such species.
  - (g) Interference with navigation.
  - (h) The impact on wetlands, the shoreline, and littoral vegetation shall be minimized, and shoreline and littoral trees and vegetation shall be preserved to the greatest extent possible.
  - (i) The dock shall be designed and constructed to accommodate no more than two (2) motorized vessels or watercraft.
  - (j) Benches and boat lockers shall not exceed ninety-six (96) inches in length, thirty-six (36) inches in width or thirty-six (36) inches in height above the decking of a boat dock. No dock shall have more than one (1) bench and one (1) boat locker for each permitted vessel.
  - (k) A property owner may clear a maximum of thirty (30) linear feet of the shoreline. The remaining shoreline shall be vegetated with native canopy trees, understory trees, and other vegetation for a minimum landward depth of ten (10) feet from the shoreline. Non-native trees and vegetation shall not be allowed.
  - (l) Boat docks, boat houses, and terminal platforms shall not be enclosed with walls or doors.
  - (m) Only one (1) boat dock, one (1) boat house or one (1) boat ramp constructed alone or in any combination shall be allowed per lot, parcel or tract abutting a lake, river, or other waterbody.
  - (n) Maintenance shall be performed in a timely manner with material of the original type or quality to maintain the original condition.
- (H) **Boat Ramps Requirements.** All boat ramps shall be constructed in compliance with applicable building codes and according to the following dimensional and use regulations:
- (1) Boat ramps shall have a maximum width of fifteen (15) feet.
  - (2) Boat ramps shall have a minimum side yard setback of ten (10) feet.
  - (3) Boat ramps shall have a minimum slope of ten (10) degrees and a maximum slope of fifteen (15) degrees.
  - (4) Boat ramps shall have a maximum of one (1) lane for the launching and retrieving of trailered, motorized watercraft.
  - (5) Boat ramps shall have a wheel stop to prevent the boat trailer from backing off of the boat ramp.
  - (6) Non-conforming boat ramps shall comply with the requirements of this section and as set forth in Article VII, Non-Conforming Situations.
  - (7) A copy of a legal survey of the property, proof of ownership, application fees, a statement of consent of use of State-owned sovereign lands from the appropriate State regulatory agency, and all applicable State and Federal regulatory agency permits shall accompany the application for building permit for construction of a boat ramp. The survey shall include, but not be limited to, the following:
    - (8) Legal description, north arrow, scale and name of lake.
    - (9) Name of owner and address of property.
    - (10) Preparation and revision date.
    - (11) Identification of the preparer of the plan.
    - (12) Dimensions of the property and locations of all existing and proposed buildings, swimming pools, pool decks, retaining walls, fences, walls easements, and conservation areas.

- (13) Location of boat ramp including the distance from the side property lines and the distance between the existing shoreline at the point where the ramp is to be constructed and a permanent object such as a house, swimming pool, or pool deck.
- (14) Approximate location of the shoreline.
- (15) Estimated Normal High-Water Elevation and depth of water at the end of the proposed ramp.
- (16) Dimensions and materials of the boat ramp.
- (17) Calculations regarding the amount of fill and excavation that will be required for the construction of the boat ramp.
- (18) A list of materials that will be used to construct the boat ramp.
- (19) Cross section survey depicting slopes, elevations, and depth profiles of the boat ramp.
- (20) The following uses are prohibited:
  - (a) Public boat ramps, except for canoe launches.
  - (b) Dredging activities, unless authorized by the appropriate State and/or Federal regulatory agency.
  - (c) Revenue generating or income related activities.
  - (d) Enclosed non-water dependent structures and/or uses of the dock for non-water dependent purposes.
  - (e) Living quarters or fueling facilities.
  - (f) Interference with the rights of other persons or property owners to the use of, and access to, the lake.
  - (g) Adverse impact, harm or injury to any listed animal or plant species or critical habitat of such species.
  - (h) Interference with navigation.
  - (i) The impact on wetlands, the shoreline, and littoral vegetation shall be minimized, and shoreline and littoral trees and vegetation shall be preserved to the greatest extent possible.
- (21) A property owner may clear a maximum of thirty (30) linear feet of the shoreline. The remaining shoreline shall be vegetated with native canopy trees, understory trees, and other vegetation for a minimum landward depth of ten (10) feet from the shoreline. Non-native trees and vegetation shall not be allowed.
- (22) Only one (1) boat dock, one (1) boat house or one (1) boat ramp constructed alone or in any combination shall be allowed per lot, parcel or tract abutting a lake, river, or other waterbody.
- (23) Maintenance shall be performed in a timely manner with material of the original type or quality to maintain the original condition.

## SECTION 5.2 – HOME-BASED BUSINESSES

- (A) **Exemptions from Special Exception Use Requirements.** For purposes of this section and other City regulations, certain commercial-type activities that are customarily functions of the home and that conform to Subsection 5.2(B), Criteria, shall be permitted as home-based businesses. These activities and home professions include the following:
  - (1) Home-based business.
  - (2) Any use pre-empted by State law.
- (B) **Criteria.** All home-based businesses and those exemptions listed in the preceding section shall meet the following criteria:

- (1) A home-based business shall be conducted in a manner which does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units. Specifically:
  - (a) Noise, dust, odors, noxious fumes, or vibrations emanating from the premises shall not exceed that which is normally produced by a single dwelling unit.
  - (b) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or which causes fluctuations in line voltage off the premises.
  - (c) Any of the above uses outlined in Section 5.2(A), Exemptions from Special Exception Use Requirements, may require a special exception use order if the business generates additional pedestrian or vehicular traffic beyond that normal to the district in which it is located.
  - (d) The employees of the business who work at the residential dwelling shall also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
  - (e) No highly explosive or combustible materials shall be used or stored on the premises.
- (2) A home-based business shall not give an outward appearance of, nor manifest characteristics of, a business. Specifically:
  - (a) There shall be no outside storage or window display.
  - (b) No commercial telephone directory advertising, newspaper, radio or television service shall be used to advertise the location of a home-based business to the general public.
  - (c) No home-based business shall cause an increase in the use of any one (1) or more public utilities (water, sewer, electricity, and garbage collection) so that the combined use of dwelling and home-based business purposes exceeds the averages for residences in the neighborhood.
  - (d) There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the home-based business.
  - (e) There shall be no remodeling of the exterior of the building that changes the residential character, nor any visible evidence that the residence also contains an office or business, except for one (1) non-illuminated wall sign not to exceed two (2) square feet if required by State law.
- (3) **Revocation of Home-Based Business Permit.** The Land Use Administrator, or designee, may void any home-based business permit for non-compliance with the criteria set forth in this section.

### SECTION 5.3 – BED AND BREAKFAST FACILITIES

- (A) **Location Requirements.** Bed and breakfast establishments are allowed in those zoning districts as provided in Table 4.3.1 and are defined according to Article XVIII.
- (B) **Operational Requirements.** A bed and breakfast establishment shall be operated according to the following requirements:
  - (1) A City home occupational license and any required State or Federal licenses or registrations shall be obtained prior to commencing operation of a bed and breakfast establishment.
  - (2) The resident owner shall keep a current guest register including names, permanent addresses, dates of occupancy, and motor vehicle license of all guests.
  - (3) Guest stays shall be limited to thirty (30) consecutive days and no more than sixty (60) days in any one-year period.
  - (4) At least one (1) owner of the bed and breakfast establishment shall reside in the bed and breakfast establishment.

- (C) **Parking.** One (1) off-street parking space shall be provided for each guest bedroom, in addition to two (2) parking spaces for the resident owner. Outdoor parking shall be limited to two (2) spaces in the front of the property unless compatible with the neighborhood and otherwise approved by the City Council. All other parking shall be provided to the side or to the rear of the building. Parking positioned to the rear or side of the structure shall be screened from adjacent property by a five-foot wood or masonry wall or sight obscuring vegetation. Any lighting of parking areas located to the rear or to the side of the building shall be directed away from adjacent properties and the maximum illumine rates shall be determined by the City Engineer. The City may limit the time periods in which such lighting may be activated based on compatibility with adjacent affected property, recreational vehicles, utility trucks, or other similar large vehicles not owned by the resident owner are prohibited from parking overnight on the premises of any bed and breakfast establishment.
- (D) **Signs.** One (1) small, unlighted, announcement sign may be attached to and parallel with the front of the building, or located as a freestanding sign in the front yard. The freestanding sign shall not exceed a height of four (4) feet. Any sign face shall not exceed three (3) square feet. Sign colors and design shall be compatible with and compliment the building.
- (E) **Spacing Requirements.** No bed and breakfast establishment shall be located within five hundred (500) feet of another such establishment unless designated as a historic landmark.
- (F) **Building Requirements and Restrictions.**
- (1) **Appearance of House.** Rooms used for sleeping shall be a part of the primary residential structure. Primary access to guest bedrooms shall be from an interior hallway or room of the building, unless other access is required for emergency egress. Exterior appearance of the structure shall maintain a single-family character. Any expansion of or room addition to a bed and breakfast establishment requires approval by the City Council.
  - (2) **Limit on Number of Guest Bedrooms.** No more than six (6) guest bedrooms shall be allowed within a bed and breakfast establishment.
  - (3) **Architectural Requirements.** Any room additions or expansion of a bed and breakfast establishment designated as a historic landmark shall be compatible with the existing architectural style of the building.
- (G) **Fire Safety and Building Codes.** Any building utilized as a bed and breakfast establishment shall comply with fire safety codes and the currently adopted building codes, State energy codes and stated accessibility codes.
- (H) **Definition.** The definition used for a historic site is consistent with that established in the Comprehensive Plan.

## SECTION 5.4 – TEMPORARY CONSTRUCTION TRAILERS, RESIDENCES AND SALES OFFICES

- (A) **Temporary Construction/Sales Office or Temporary Residence Permitted with a Building Permit.**
- (1) A temporary residence (trailer or similar units) on a non-residential construction site.
  - (2) A trailer or similar unit designed for temporary residential occupancy pending the construction, repair, or renovation of the permanent residential building.
  - (3) A trailer, mobile home, or similar unit, used as a temporary sales office or other business facility in any district.
  - (4) A model home or other permanent structure used as a temporary sales office or business facility. (Any model home that includes alterations to the garage shall be considered a temporary sales office.)
  - (5) A building permit may be issued for a single-family residential "model center" which includes a temporary sales office, two (2) model homes and a parking lot constructed on three (3) adjacent lots by one (1) builder.

(6) Trailers shall only be used for the purposes in which they are approved.

**(B) Building Permit Requirements.**

- (1) **Site Plan.** shall be required during the submission of a building permit application.
- (2) **Fees.** The application fee for said permit shall be determined by resolution of the City Council.
- (3) **Location.** Construction trailers shall be located on-site, outside the street right-of-way.
- (4) **Safety Standards.** The applicant shall demonstrate that all health and safety standards have been met or exceeded.
- (4) **Active Permits.** The parcel proposed for development is the subject of one (1) or more active construction or building permits.
- (5) **Setbacks.** The temporary facility shall comply with setbacks according to the requirements of the underlying zoning district regulations.
- (6) **Sales Office Landscape.** Eighty (80) percent of the area within ten (10) feet of the sales trailer is comprehensively landscaped with small trees (which may be potted), hedges, shrubs and ground covers.
- (7) **Permit Expiration and Removal of Temporary Construction Office and Temporary Residence.** The building permit shall expire in one (1) year and the unit or use shall be removed immediately. The permit may be extended for one (1) or more six-month periods. The applicant shall demonstrate that the extension is warranted and that there has been no adverse impact on the neighborhood.
- (8) **Permit Expiration and Remove of Sales Trailer.** Sales trailers shall be removed upon the sooner of:
  - (a) If the parcel proposed for development is approved for fewer than fifty (50) dwelling units: one (1) year after installation;
  - (b) If the parcel proposed for development is approved for fifty (50) or more dwelling units: eighteen (18) months after installation; or
  - (c) Issuance of a certificate of occupancy.
  - (d) The permit may be extended for one (1) or more six (6) month periods if it is demonstrated that:
    - (i) The project is not sold-out;
    - (ii) The sales trailer and associated required landscaping are well-maintained; and
    - (iii) Construction is proceeding pursuant to active permits.

## SECTION 5.5 – COMMUNICATION ANTENNAE AND TOWERS

**(A) Applicability.**

- (1) **Status of Existing Towers.** All legally existing communication towers existing on July 16, 1997 shall be subject to the provisions of Article VII, Non-Conforming Situations. Routine maintenance shall be permitted on such existing towers. New construction consisting of any enlargement or enhancement of the facility, other than routine maintenance on an existing communication tower shall comply with the requirements of this section. All existing towers shall be subject to Section 5.5(L), Abandonment.
- (2) All new communication towers and communication antennae in the City of Oviedo shall be subject to this section and all other applicable regulations.
- (3) A communication antenna or tower that has received City approval in the form of either a special exception use order or a development order, but has not yet been constructed, shall be considered an existing tower if such approval is valid, current, and not expired.



- (4) All new communication antennae which are not attached to communication tower shall comply with Section 5.5(E), Placement/Design of Standard Communication Antennae.
- (5) Amateur radio and two-way private communication towers. This section shall not govern any amateur or two-way private communication tower or antennae. However, any semi-public or commercial antennae placed on such private towers existing as of July 16, 1997 shall be subject to this section. Any amateur or private two-way radio tower or antennae exceeding thirty-five (35) feet are subject to the approval of a special exception use order.

(B) **Permitted Uses and Special Exception Uses.** Table 4.3.1 shall set forth the zoning districts allowing the use of communication towers as permitted uses or as special exception uses. In addition to zoning districts shown within the Table 4.3.1, communication towers which are consistent with requirements of this section may be allowed within lands designated for public or recreation uses in a planned unit development master site plan or conceptual development plan upon issuance of a special exception use order. Camouflage communication towers which are consistent with requirements of the LDC are allowed within lands designated for commercial in a planned unit development master site plan or conceptual development plan upon issuance of a special exception use order. However, development agreements approved prior to July 16, 1997 may prohibit the location of communication towers within certain planned unit developments.

(C) **Tower Separation Requirements.** For purposes of measurement, communication tower setbacks as listed in the Section 5.5(C)(2) and separation distances as listed in the Section 5.5(C)(3) shall be calculated and applied to facilities located in the City of Oviedo regardless of municipal and county jurisdictional boundaries.

- (1) Communication tower separation shall be measured from the base of the tower to the nearest property line of off-site uses and/or designated areas as specified in the table set forth in the Section 5.5(C)(2).
- (2) **Communication Tower Separation from Off-Site Uses/Designated Areas.** Separation of towers from adjacent property shall comply with the following:

TABLE 5.5.1: SUMMARY OF MINIMUM SEPARATION FROM ADJACENT USES	
Adjacent Off-Site Use	Separation Distance
<p>Towers:</p> <p>Property assigned a single-family (includes modular homes and mobile homes used for living purposes), duplex, or multifamily residential zoning classification or future land use designation</p>	<p>200 feet or 300% height of the tower, whichever is greater, except when a deviation is granted based upon findings that: either the aesthetic impact of the tower is enhanced; or the tower is constructed as a camouflage tower; that compatibility with abutting property owners is maintained, and the approval of the tower would be consistent with and further the provisions of this section. The standard relative to deviations as otherwise set forth in the LDC may be considered in determining whether to approve a deviation hereunder, but shall not be determinative as to whether the deviation may be granted.</p>
<p>Property assigned a non-residential zoning classification or future land use designation or property with an existing non-residential use.</p>	<p>None. Only district setbacks apply.</p>

- (3) Separation distances between communication towers shall be applicable for, and measured between, the proposed tower and those towers that are existing and/or have received City of Oviedo land use or building permit approval after July 16, 1997. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the



base, pursuant to a site development plan, of the proposed tower. The separation distances (listed in linear feet) shall be as follows:

<b>TABLE 5.5.2: SUMMARY OF SEPARATION OF DISTANCES</b>					
<b>Proposed Tower Types</b>	<b>Lattice or Self-Supporting</b>	<b>Guyed</b>	<b>Monopole 75 ft. in Height or Greater</b>	<b>Monopole Less Than 75 ft. in Height</b>	<b>Stealth Camouflage</b>
Lattice or self-supporting	5,000	5,000	1,500	750	0
Guyed	5,000	5,000	1,500	750	0
Monopole 100 ft. in height or greater	1,500	1,500	1,500	750	0
Monopole less than 100 ft. in height	750	750	750	750	0
Stealth or Camouflage	0	0	0	0	0

**(D) Performance Standards.**

**(1) Setbacks.**

- (a) Communication tower setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. A minimum setback of five (5) feet is required for the guy lines for a guyed tower.
- (b) Communication towers shall comply with the minimum setback requirements of the district in which they are located.
- (c) Where there is a principal building housing a principal use located on the site, the tower shall be located behind the main building line. All communication towers shall be set back a minimum of fifty (50) feet from an arterial street.

**(2) Height.**

- (a) **Pole Height.** A communication tower shall not exceed two hundred fifty (250) feet in height from ground level. No communication tower/antenna shall exceed one hundred (100) feet in height from ground level unless designed to accommodate multiple users. A camouflage tower shall not exceed one hundred forty (140) feet from ground level unless otherwise approved by a special exception use order.
- (b) **Method of Determining Communication Tower Height.** Measurement of communication tower height shall include antenna, base pad, and other appurtenances and shall be measured from the average finished grade of the parcel within twenty (20) feet of the base of the tower.
- (3) **Illumination.** Communication towers shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration, at which time dual mode lighting shall be requested from the FAA.
- (4) **Finished Color.** Communication towers not requiring FAA painting/markings shall either have a galvanized finish or be painted a non-contrasting blue or gray finish. The color should be selected so as to minimize the equipment's visibility.

- (5) **Structural Design.** Communication towers shall be constructed to the most current standards published by the Electronic Industries Association (EIA), which may be amended from time to time, and all City construction/building codes. Further, any improvements and/or additions (i.e., antenna, satellite dishes, etc.) to existing communication towers shall require submission of site plans, sealed and verified by a professional engineer, which demonstrate compliance with the EIA standards in effect at the time of said improvement or addition. Said plans shall be submitted to, and reviewed and approved by the City of Oviedo.
- (6) **Type of Construction.** Communications towers shall be monopole construction. Special design features such as stealth (camouflage) construction may be required by the City Council upon a finding that the visual impact of the proposed construction is incompatible with the character of the surrounding area. Lattice or guyed construction may be approved by the City Council as a special exception use only upon showing that use of monopole or camouflage construction techniques is financially unfeasible.
- (7) **Fencing.** A vinyl coated (black or green) chain link fence or masonry wall not less than six (6) and no greater than eight (8) feet in height from finished grade shall be provided around each communication tower. Access to the tower shall be through a locked gate. Barbed wire may be permitted through development order review, consistent with Section 5.1(D), Walls and Fences. A solid masonry wall or other wall or fence type may be required through development order review where required for the purpose of appearance and/or land use compatibility pursuant to Article XII Section 12.4(F). The fencing requirements contained herein may be adjusted where development order considerations warrant or where stealth construction techniques are used.
- (8) **Landscaping.** The visual impacts of a communication tower shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following minimum standards for landscaping and buffering of a communication tower shall be required around the perimeter of the tower and accessory structures, except that the standards may be waived by the City Council for those sides of the proposed tower that are located adjacent to undevelopable lands and lands not in public view and for tower using stealth construction techniques. Landscaping shall be installed on the outside of fences. Further, the use of existing vegetation shall be preserved to the maximum practicable extent and may be used as a substitute or in supplement toward meeting landscaping requirements. The following landscaping shall be provided:
- (a) A continuous landscape screen consisting of canopy trees a minimum of fourteen (14) feet tall and a maximum of twenty-five (25) feet apart shall be planted around the perimeter of the fence;
  - (b) A continuous hedge at least thirty (30) inches high at planting capable of growing to at least thirty-six (36) inches in height within eighteen (18) months shall be planted in front of the tree line referenced above;
  - (c) All landscaping shall be of the evergreen variety or appropriate variety to provide an opaque screen;
  - (d) All landscaping shall be xeriscape compatible or irrigated;
  - (e) All landscaping shall be properly maintained to ensure good health and viability.
- (9) **Parking.** A minimum of one (1) parking space to accommodate maintenance vehicles shall be provided within the fenced area.
- (10) **Accessory Buildings and Structures.** All accessory buildings or structures less than one hundred (100) square feet shall be set back a minimum of five (5) feet from the rear or side property line, and a minimum of twenty-five (25) feet from the front property line. All accessory buildings or structures exceeding one hundred (100) square feet shall be subject to the principal building setbacks for the applicable zoning district.
- (11) **Signage.** No sign, symbol or letters shall be placed or painted on a communication tower unless approved or required by the FAA or FCC.

(12) **Design Compatibility.** The City Council may include conditions in conjunction with development order approval to ensure design compatibility with the surrounding area.

(13) **Design to Accommodate Co-Location.**

- (a) All communication towers more than one hundred (100) feet but not more than two hundred (200) feet in height, except lattice towers, shall be engineered and constructed to accommodate a minimum of one (1) additional communication service provider.
- (b) All communication towers exceeding one hundred twenty (120) feet in height, except lattice towers, shall be engineered and constructed to accommodate a minimum of two (2) additional communication service providers.
- (c) All lattice communication towers, where allowed by the City according to Section 5.5(D)(6) shall be engineered and constructed to accommodate a minimum of five (5) additional communication service providers.

(E) **Placement/Design of Standard Communication Antennae.** Standard communication antennas include satellite dish, panel or whip antennae. The Land Use Administrator or designee shall determine the classification of the antennae. Within residentially zoned lots, only antennae serving that lot shall be allowed. Semi-public antennae are prohibited on any single-family residential structure or lot.

(1) The following antennae used for the reception of television broadcast signals, direct broadcast satellite services or multi-channel multipoint distribution services shall comply with this section unless otherwise specifically exempt from such regulations by the regulations promulgated by the Telecommunications Act of 1996; specifically:

- (a) An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one (1) meter or less in diameter;
- (b) An antenna that is designed to receive video programming services via multi-point distribution services, including multi-channel distribution services, instructional television fixed services, and local multipoint distribution services, and that is one (1) meter or less in diameter;
- (c) An antenna that is designed to receive television broadcast signals.

(2) **Satellite Dishes.**

- (a) **Eighteen (18) inches or less in diameter.** No permit is required from the City of Oviedo for the installation of a dish-shaped antenna eighteen (18) inches or less in diameter.
- (b) **More than eighteen (18) inches in diameter.** Installation of a satellite dish and/or antenna greater than eighteen (18) inches in diameter within any district within the City shall require the granting of a special exception use order approved by the City Council except as otherwise allowed herein. Any satellite dish/antenna which is not attached to a communication tower shall be a permitted accessory use in any commercial, industrial, office or institutional zoning structure, provided:
  - (i) The dish is located on the roof of the building and does not exceed more than twenty (20) feet above the highest point of the building or twenty (20) percent of the building height, whichever is less; and
  - (ii) The dish/antenna is set back from the roof edge ten (10) feet or ten (10) percent of the roof depth, whichever is greater; and
  - (iii) The communication antenna complies with all applicable FCC and FAA regulations; and
  - (iv) The communication antenna complies with all applicable building codes.
  - (v) The dish is not visible from the public street.
  - (vi) Any support equipment located on the ground shall be placed inside a principal building or an accessory building or structure and comply with Section 5.5(D)(10). A development permit shall be required for any accessory building or structure.

(3) **Panel Antennae.**

- (a) **Two (2) square feet or less.** No permit is required from the City for the installation of a panel antenna equal to or less than two (2) square feet.
- (b) **More than two (2) square feet.** Installation of a panel antenna greater than two (2) square feet within any district within the City shall require the granting of a special exception use order approved by the City Council except as otherwise allowed herein. Any panel which is not attached to a communication tower shall be a permitted accessory use in any commercial, industrial, office or institutional zoning structure, provided:
  - (i) The antenna does not exceed more than twenty (20) feet above the highest point of the structure or twenty (20) percent of the structure height, whichever is less; and
  - (ii) Where located on the roof of a building, the antenna is set back from the roof edge ten (10) feet or ten (10) percent of the roof depth, whichever is greater; and
  - (iii) Where located on the side of a building, a building façade, or structure, the antennae shall not exceed fifteen (15) square feet, shall be camouflaged by having a finished color similar to that appearing on the wall of the building or structure, and shall not extend more than three (3) feet from the wall of the building or structure.
  - (iv) The communication antenna complies with all applicable FCC and FAA regulations; and
  - (v) The communication antenna complies with all applicable building codes.
  - (vi) Any support equipment located on the ground shall be placed inside a principal building or an accessory building or structure and comply with Subsection 5.5(D)(10). A development permit shall be required for any accessory building or structure.

(4) **Whip Antennae.** No permit is required from the City for the installation of a whip antenna on residentially zoned property, except that a special exception use order shall be approved if the height exceeds thirty-five (35) feet. Any whip antennae which are not attached to a communication tower shall be a permitted accessory use to any commercial, industrial, office or institutional structure, provided:

- (a) The antenna does not exceed more than twenty (20) feet above the highest point of the building or twenty (20) percent of the building height, whichever is less; and
- (b) Where located on the roof of a building, the antenna is set back from the roof edge ten (10) feet or ten (10) percent of the roof depth, whichever is greater; and
- (c) The communication antenna complies with all applicable building codes.
- (d) Any support equipment located on the ground shall be placed inside a principal building or an accessory building or structure and complies with Section 5.5(D)(10). A development permit shall be required for any accessory building or structure.

(F) **Communication Tower Antennae.** A special exception use order is not required for any antennae placed upon an approved communication tower so long as the following standards are met:

- (1) The communication antenna complies with all applicable FCC and FAA regulations.
- (2) The communication antenna complies with all applicable building codes and is issued a building permit.
- (3) Antennae installed on a communication tower shall not horizontally extend more than fifteen (15) feet from the tower pole or lattice structure.

(G) **Co-Location of Communication Antennae.** To minimize adverse visual impacts associated with the proliferation and clustering of communication towers, co-location of communication antennae by more than one (1) carrier on existing or new communication towers, or existing qualifying buildings and structures shall take precedence over the construction of new single-use communication towers as follows:

- (1) Proposed communication antennae may, and are encouraged to, co-locate on to existing communication towers, buildings and structures. Provided such co-location is accomplished in a manner consistent with Section 5.5(G)(2) and (G)(5) for towers, and Section 5.5(D) for buildings and structures, then such co-locations are permitted by right and new or additional special exception use or development order approval shall not be required.
  - (2) **Type of Construction.** A communication tower which is modified or reconstructed to accommodate the co-location of an additional communication antenna shall be of the same tower type as the existing communication tower or as a standard monopole tower.
  - (3) **Height.** An existing communication tower may be modified or rebuilt to a taller height, not to exceed twenty (20) feet over the tower's original height for each co-location opportunity, to accommodate the co-location of an additional communication antenna.
    - (a) The height change referred to in this subsection may only occur one (1) time per communication tower.
    - (b) The additional height referred to in this subsection shall not require an additional distance separation as set forth in either Section 5.5(C)(2) or (C)(3). The communication tower's pre-modification height shall be used to calculate such distance separations.
  - (4) **On-Site Location.** A communication tower which is being rebuilt to accommodate the co-location of an additional communication antenna may be moved on-site within one hundred (100) feet of its existing location; however, the antenna shall meet the setback requirements in Section 5.5(D)(1). After the communication tower is rebuilt to accommodate co-location, only one (1) tower may remain on the site.
  - (5) A relocated on-site communication tower shall continue to be measured from the original tower location for purpose of calculating separation distances between communication towers pursuant to Section 5.5(C)(3). The relocation of a tower in accordance with this subsection shall in no way be deemed to cause a violation of Section 5.5(C)(3).
- (H) **Location of Communication Towers on City-owned Property.** Notwithstanding any of the foregoing provisions of this section, if a communication tower is to be located on City-owned property the tower shall in all cases be subject to all permit requirements and approval processes.
- (I) **Review of Communication Towers.**
- (1) **Special Exception Use Review.** All communication towers requiring special exception use review shall be subject to the requirements of this section and Article III in addition to the requirements set forth below. The following information shall be submitted:
    - (a) An inventory of all communication towers located in Oviedo and within one (1) mile from the City which are under the applicant's control and/or are being used by the applicant. Information on each tower listed shall include:
      - (i) The type of tower of structure;
      - (ii) The height of the tower including antennas;
      - (iii) Latitude and longitude location;
      - (iv) Street address;
      - (v) Indication whether the site is co-located and if so, with whom; and
      - (vi) The type(s) of service(s) accommodated on the tower.
    - (b) A copy of the recorded memorandum of lease evidencing co-location, if such memorandum exists
    - (c) For all special exception use and/or deviation requests, the applicant shall provide the radio frequency (RF) search ring used to determine the location of the applicant's request. In addition, the applicant shall supply documentation that every other parcel within the

applicant's search ring has been reviewed and, where appropriate, contacted and that the application parcel is the most feasible parcel upon which to locate the tower. The applicant shall provide adequate documentation to substantiate the applicant's determination of feasibility.

- (d) The applicant shall submit a recordable agreement acceptable to the City Attorney that provides the following:
    - (i) For co-location facilities, a condition that the owner of the tower, and its heirs or successors, shall cooperate in good faith with other service providers to allow the co-location of additional service providers on the communication tower, and that the tower shall be designed and constructed to accommodate other service providers.
    - (ii) The agreement shall require the applicant to provide a twenty-year performance bond acceptable to the City Manager and the City Attorney which shall be posted with the City in an amount sufficient to remove the tower structure upon abandonment. The amount of the performance bond will be determined based upon the cost associated with the demolition and removal of the tower according to its type and height.
    - (iii) Unless otherwise evidenced within a recorded memorandum of a lease, the agreement shall specify that the owner of the tower shall be responsible for all costs of dismantling and removal, and in the event an abandoned tower is not dismantled and removed within the time required hereunder, the City may proceed with the dismantling and removal.
    - (iv) The agreement shall be executed and recorded prior to the issuance of a building permit for the tower.
  - (e) A master plan identifying the number, type and potential location of future communication towers sought by the applicant within the City of Oviedo as well as within one (1) mile of the City limits to meet customer demand anticipated for the two-year period from the application date. This requirement shall be waived when an application proposes to construct a tower designed for co-location of multiple antennae.
- (2) **Site Development Review.** All communication tower development applications shall comply with the requirements of Article III. All communication towers will require a development order. In addition to the submittal requirements contained therein, the following information shall be required:
- (a) Documentation of compliance with separation requirements of Section 5.5(C)(2) and (C)(3). The applicant shall indicate the exact distance, location, and identification of other communication towers within a two (2) mile radial distance on an updated tax map. The applicant shall also identify the type of construction of the existing communication tower(s) and the owner/operator of the existing tower(s), if known.
  - (b) Drawings showing elevation of the proposed communication tower, indicating the finished color and, if applicable, the method of camouflage and illumination.
  - (c) Site development plans, landscape plans, or other information showing compliance with the performance standards outlined in Section 5.5(D).
  - (d) A statement by the applicant as to how construction of the communication tower will accommodate co-location of additional antennae for future users.
  - (e) An agreement as stipulated consistent with the requirements of Section 5.5(I)(1)(d), unless otherwise provided with a special exception use order.
- (3) **Building Permit.** A building permit shall be required for construction of all new communication towers and communication antennae, unless otherwise exempted herein.



- (J) **Public Notice.** For purposes of this section, any special exception use request, deviation request, or appeal of the Land Administrator's decision regarding this section shall require public notice to all property owners within five hundred (500) feet.
- (K) **Inspection of Towers.** An inspection of the structural condition of a tower shall be conducted annually by a registered engineer or architect or within thirty (30) days written request by the City Engineer or Building Official. The annual inspection shall include a written report, sealed by the engineer or architect, and filed with the City prior to May 1st of each year. If tower construction is completed within six (6) months of May 1st, then a report does not have to be submitted for that year. The report shall include documentation by the engineer or a letter from the FCC acknowledging that the antennae operate at the approved FCC transmission levels.
- (L) **Abandonment.** In the event the use of any communication tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Land Administrator who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional one hundred eighty (180) days within which to:
- (1) Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or
  - (2) Dismantle and remove the tower.
- (M) **Communication Facilities located in Public Rights-of-Way.**
- (1) A person may be authorized to place or to maintain communication facilities, including but not limited to, small wireless facilities, micro wireless facilities, and utility poles for collocation of small wireless facilities, fiber, coaxial cable, and backhaul facilities in the public rights-of-way of the City. This sub-Section (M) shall apply to all facilities for communications services placed or maintained in the City's public rights-of-way pursuant to *Florida Statutes*, Section 337.401, as amended, including, but not limited to, any person holding a certificate of franchise authority pursuant to *Florida Statutes*, Section 610.103, communications services providers, pass-through providers, and wireless providers.
  - (2) Rules or regulations imposed by the City relating to providers of communications services placing or maintaining communications facilities in its roads or rights-of-way shall be generally applicable to all providers of communications services, to the extent federal or Florida law does not require different treatment. Florida law requires that the City's rules and regulations take into account the distinct engineering, construction, operation, maintenance, public works, and safety requirements of the provider's facilities. Wireless support structures, telecommunications towers and other wireless facilities, including but not limited to an antenna that is not part of a small wireless facility or micro wireless facility, shall not be allowed to be placed or maintained in the public rights-of-way, to the extent not inconsistent with applicable law.
  - (3) This sub-Section (M) shall not apply to wireless facilities owned by the City or to a person, including an owner of electric utility poles for an electric distribution system located within the City's public rights-of-way pursuant to a valid franchise agreement with the City, to the extent such facilities are utilized solely on an internal, non-commercial basis by said person. However, collocation of small wireless facilities on such utility poles and any other utility poles placed or maintained by a City franchised utility in the public rights-of-way will be governed by the applicable provisions of this Section or by the applicable Florida Law. Ordinances approving a franchise agreement with an electric utility shall remain in full force and effect, notwithstanding any provision of this sub-Section.
  - (4) This sub-Section (M) implements *Florida Statutes*, Section 337.401, as amended, including the Advanced Wireless Infrastructure Deployment Act, *Florida Statutes*, Section 337.401(7), and adopts the definitions set forth therein. In the event the Advanced Wireless Infrastructure Deployment Act, *Florida Statutes*, Section 337.401(7), is repealed, amended, or overturned by a court of competent jurisdiction, or preempted by applicable federal law, in whole or in part, provisions of this sub-Section (M) may no longer apply, in which case pending and future



applications for small wireless facilities, communications facilities or utility poles intended to support the collocation of small wireless facilities in the public rights-of-way, will be governed by other provisions set forth in this Section and by applicable law.

- (5) This sub-Section (M) shall be applicable to all communications facilities placed in the public rights-of-way on or after November 18, 2024 ("Effective Date"), all pending applications for permits subject to this sub-Section (M) and shall apply to all existing communications facilities placed in the public rights-of-way prior to the Effective Date, to the full extent permitted by Florida and federal law. A person with existing communications facilities in the public rights-of-way shall comply with the registration, bond and other applicable requirements of this sub-Section (M) and Florida and federal law by the earlier of the following: within ninety (90) days after the Effective Date or prior to the issuance of a permit pursuant to this sub-Section (M). This provision is not intended to require the removal or alteration of existing communications facilities placed or maintained in the public rights-of-way pursuant to a previously issued permit or otherwise lawfully installed prior to the Effective Date unless such facilities are abandoned or otherwise required to be altered or removed by the City manager, or pursuant to enforcement of this sub-Section or applicable law.
- (N) **Expiration.** Any development order approval for the tower shall automatically expire one hundred eighty-one (181) days from the date of abandonment without reactivation or upon completion of dismantling and removal, whichever is first.

## SECTION 5.6 – CONVENIENCE STORES, WITH FUEL STATIONS

### (A) **Scope and Permitted Uses.**

- (1) This section shall apply to convenience stores, with fuel stations. Zoning and other applicable regulations not provided in this section shall apply for the zoning district in which the convenience store is located.
- (2) Permitted uses in convenience stores with fuel stations are indoor retail sales of food, beverage and incidental household items for consumption off-premises. Retail fuel sales are permitted. No repair of automobiles, sales of tires, batteries or automobile accessories are permitted at a convenience store with fuel stations.
- (3) Car wash facilities may be approved as an accessory use at a convenience store with fuel stations, subject to the following conditions:
  - (a) The car wash facility shall be enclosed and automated.
  - (b) Water used in the car wash facility shall be mechanically recycled;
  - (c) The car wash facility shall have a separate entrance and exit and shall not be of a type that permits a vehicle to pull in and back out;
  - (d) The entrance and exit to the car wash facility shall be screened;
  - (e) Parking spaces for the carwash facility shall be provided on-site in accordance with Table 13.1.1 Number of Parking Spaces. This shall be in addition to the number of parking spaces required by the convenience and fuel sales areas;
  - (f) Adequate vehicle stacking and circulation shall be provided on-site, in such a manner as to not be in conflict with the circulation, parking, access or egress of the principal on-site uses.
  - (g) Landscaping and screening of car wash buildings shall be as provided in Article XII, Landscaping, Tree Planting and Buffer Requirements.

(B) **Distance between Convenience Stores with Fuel Stations.** There shall be a minimum separation distance of six hundred sixty (660) feet, as determined by the shortest airline distance between the nearest two (2) plots of land occupied or to be occupied for convenience store purposes. This distance may be reduced to one hundred (100) feet if the convenience stores are located along a thoroughfare divided by a median strip, provided that the convenience stores are located along traffic lanes going in the opposite direction. In no case shall there be more than two (2) convenience stores constructed at any one (1) intersection.

(C) **Outdoor Displays.** Outdoor displays of merchandise or promotional items shall be prohibited.

(D) **Utility Connections.** All convenience stores with fuel stations shall be served by public sewers prior to occupancy of the building.

## SECTION 5.7 – ALCOHOLIC BEVERAGES

### (A) **Required.**

- (1) No alcoholic beverages shall be manufactured, distributed or sold within the City, except by a person, business or establishment holding a valid alcoholic beverage license issued by the Florida Department of Business and Professional Regulation permitting the sale of such beverages.
- (2) Each license shall be valid and operative for only the place of business described in the license, and no alcoholic beverages shall be permitted to be sold except at such place consistent with the State license.

(B) **Application.** A person, business or establishment proposing to manufacture, distribute, or sell any alcoholic beverages within the City shall provide evidence that he/she/it holds, or will hold a valid and current State alcoholic beverage license and shall demonstrate compliance with this LDC.

(C) **Classifications.**

<b>TABLE 5.7.1: ALCOHOL PERMIT CLASSIFICATIONS</b>				
<b>City Classification</b>	<b>Alcohol Type</b>	<b>Distribution Type</b>	<b>Consumption Type</b>	<b>Permitted Location</b>
<b>Class I</b>	Beer/Wine	Packaged	Off-premises	Anywhere retail uses are permissible
<b>Class II</b>	Beer/Wine/Liquor	Packaged	Off-premises	Anywhere retail uses are permissible but shall meet minimum school distance requirements
<b>Class III-a</b>	Beer/Wine	Packaged By the drink	Off-premises On-premises	Incidental Use to Permissible Principal Use Identified in Section 5.7(F)
<b>Class III-b</b>	Beer/Wine/Liquor	Packaged By the drink	Off-premises On-premises	<ul style="list-style-type: none"> <li>• Micro-brewery</li> <li>• Micro-winery</li> <li>• Micro-distillery</li> </ul>
<b>Class IV</b>	Beer/Wine/Liquor	By the drink	On-premises	<ul style="list-style-type: none"> <li>• Restaurants (Not less than 45 seats)</li> <li>• Bowling establishments (12 or more lanes)</li> <li>• Golf Clubs</li> <li>• Tennis/Racquet Ball Clubs w/ not less than 10 regulation size courts</li> </ul>
<b>Class V</b>	Beer/Wine/Liquor	Packaged By the drink	Off-premises On-premises	<ul style="list-style-type: none"> <li>• Must be approved by City Council</li> <li>• School Distance Requirements</li> <li>• Restaurant (not less than 45 seats)</li> <li>• Hotels/Motels</li> <li>• Fraternal/Benevolent Clubs</li> </ul>

(D) **Approval Authority.**

- (1) The Land Use Administrator, or designee, may approve Class I, II, III and IV businesses or establishments. If a Class I, II, III or IV business or establishment is denied by the Land Use Administrator, or designee, the business or establishment may file a written appeal to the City Council.
- (2) The City Council may approve, by majority vote Class V businesses and establishments, subject to the distance requirements in Section 5.7(E), Distance Requirements. In determining whether a Class V business or establishment is in the general welfare of the City, the Council shall consider at least the following:

- (a) Land Use Compatibility and Conformance with this LDC. The proposed business or establishment shall conform to the general character of the surrounding area and with the requirements of this LDC.
- (b) Access and Parking. The proposed site where the business or establishment is proposed to be located shall have safe and adequate access and sufficient parking.
- (c) Existing Number of Similar Businesses or Establishments. There shall be no more than one (1) Class V business or establishment for every two thousand five hundred (2,500) residents.

**(E) Distance Requirements.**

- (1) There shall be no Class V business or establishment within one thousand (1,000) feet of any other Class V business or establishment unless the City Council finds that such use would be appropriate at the location and approves such business or establishment at that location, unless approved as an incidental use to a bona fide restaurant seating not less than forty-five (45) patrons.
- (2) No Class II or V business or establishment shall operate or be located within five hundred (500) feet of a public school or private school as defined by F.S. § 1003.01, or its successor provision(s).
- (3) The distances required in this section shall be measured according to the shortest distance from property line to property line except for uses located within shopping centers as permitted by the LDC which uses shall be subject to the provisions of Section 5.7(E)(1) and which distances, within the shopping center, shall be measured by the shortest practicable distance traveled by a pedestrian from the entrance of the business to the entrance of the other use to which the separation applies.
- (4) Whenever a Class II or Class V business or establishment has been approved for a specific location, and thereafter a church or school is established, the establishment of the school or church shall not be cause for revocation of the classification of the existing Class II or Class V business or establishment.

**(F) Incidental Uses.**

- (1) Class III businesses or establishments may be permitted as an incidental use or activity in an approved establishment where the primary or principal use of such establishment is recreational, sports, amusement, entertainment, and personal services (including massage and cosmetology services) as well as limited retail uses (including restaurants) as determined by the Land Use Administrator, or designee, and provided that such establishment is compliant with all applicable City Codes, ordinances and policies.
- (2) Class IV and Class V businesses or establishments may be permitted as an incidental use or activity in an approved bona fide restaurant seating not less than forty-five (45) patrons.

**(G) Compliance with State Licensing Requirements and Regulations.** All businesses holding a certificate under this article shall comply with the regulations and licensing requirements of the State.

**(H) Conduct of Business and Maintenance of Premises.** All businesses holding a certificate under this article shall be conducted in an orderly manner and not allowed to become a nuisance in any respect; shall be kept in a clean and sanitary condition; and shall be subject to inspection at all reasonable hours.

**(I) Fee.** The City Council shall establish by resolution any fees for certificates under this article.

**(J) Revocation.** Upon cause being shown by competent and substantial evidence, the City Council may revoke a certificate issued under this article after notice to the business and a public hearing before the Council if such hearing is requested.

## SECTION 5.8 – OUTDOOR DISPLAY AND STORAGE

**(A)** Unless specifically permitted by Table 4.3.1, with the approval of a site plan, development order, development agreement, special event permit or other appropriate approval by the Land Use Administrator, or designee, or the City Council, the outdoor display or storage of any item related to

retail sales and services, miscellaneous business and services, commercial amusements, wholesale, storage or manufacturing activities or any other use similar in type or nature, regardless as to whether conducted for profit or not, is prohibited and unlawful.

- (B) Drop-off boxes for the collection of donated clothing, furniture and miscellaneous items, whether owned or maintained by private business ventures or by charitable organizations are activities which are hereby found to be outdoor display or storage and such activities are prohibited and unlawful on public or private property unless permitted in accordance with Section 5.8(A).
- (C) Use of a camping trailer, recreational vehicle, semi-trailer, trailer, travel trailer, truck camper, truck trailer, single unit truck or motor home, for storage purposes on any lot or premises in the City is prohibited and unlawful unless in accordance with Section 5.8(A).
- (D) Portable storage units that are designed to be delivered to and removed from premises as shipping containers or other appropriate purposes are allowable as a means of temporary storage associated with a move or relocation within any residentially zoned districts within the City for a time period not to exceed fifteen (15) days in any calendar year unless specifically approved as an authorized temporary use for a longer period of time by the Land Use Administrator, or designee, or City Council. Portable storage units that are designed to be delivered to and removed from premises as shipping containers or other appropriate purposes are allowable as a means of temporary storage within any commercial, industrial, or commercial mixed-use zoning district within the City for a time period not to exceed ninety (90) days in any calendar year unless specifically approved as an authorized temporary use for a longer period of time by the Land Use Administrator, or designee, or City Council. Portable storage units shall be placed on a durable, all-weather surface, and shall not be located in any fire lanes, adjacent to fire hydrants or fire department connections, pedestrian ways, or parking spaces required to meet the minimum standards for the site.

## SECTION 5.9 – ELECTRIC SUBSTATIONS

- (A) **Electrical Substations.** Distribution of electric substations as defined by F.S. § 163.3208(2), shall abide by standards for substation siting in accordance with F.S. § 163.3208(3), and the standards set forth in F.S. § 163.3208(4) shall apply.
  - (1) Electric substations shall provide for year-round visual screening and buffering which minimize adverse impacts on surrounding properties, as deemed appropriate by the Land Use Administrator, or designee. A landscape and buffering site plan prepared by a registered landscape architect shall be provided which addresses visual, light and sound intrusion into the neighboring properties.
  - (2) Screening and setbacks for electrical substations shall be consistent with permitted uses in the zoning districts in which they are sited.
  - (3) Electric substations shall be prohibited in the Conservation Future Land Use categories.

## SECTION 5.10 – ACCESSORY DWELLING UNITS

- (A) **Intent.** Accessory Dwelling Unit standards are intended to add accessory units to meet the changing needs of community members over a lifetime; to provide affordable housing within the City; to protect property values; and to preserve the residential character of neighborhoods.
- (B) **Standards.** Accessory Dwelling Units shall conform to the following requirements:
  - (1) Accessory dwelling units shall be built at the same time or after the principal dwelling unit.
  - (2) Accessory dwelling units are prohibited on any lot containing more than one (1) dwelling unit or on any non-conforming lot. Multiplexes constructed in separate structures on a single lot will not be considered Accessory Dwelling Units.
  - (3) Only one (1) accessory dwelling shall be permitted per lot.
  - (4) Lots on which an accessory dwelling unit is located shall not be split and accessory units shall not be sold fee simple.

- (5) Accessory dwelling units' locational requirements shall follow the accessory structure standards set forth in Section 5.1, Accessory Structures.
- (6) The maximum height of the accessory dwelling unit shall be the same as the maximum permitted height of the principal structure.
- (7) The maximum square footage of an accessory dwelling unit shall be the lesser of one thousand (1,000) square feet or the 50% of the square footage of the principal structure.
- (8) No additional on-site parking is required for an ADU up to 500 square feet. One (1) on-site parking space is required for an ADU more than five hundred (500) square feet in addition to the parking spaces required for the principal structure.

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## **Article VI: Reserved**

# Article VII: Non-Conforming Situations

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## SECTION 7.1 – EXISTING NON-CONFORMING SITUATIONS

Unless otherwise specifically provided in this LDC and subject to the restrictions and qualifications set forth in Sections 7.2 through Section 7.7, non-conforming situations that were otherwise lawful on the effective date of this LDC may be continued.

## SECTION 7.2 – NON-CONFORMING LOTS

- (A) **Use of Lot Non-Conforming in Size.** When a non-conforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimums set forth in Article IV, Table 4.2.1 then the lot may be used as proposed, just as if it were conforming.
- (B) **Use of Lot Non-Conforming in Setbacks.** When the proposed use is one that is conforming to all respects but the applicable setback requirements cannot reasonably comply, deviations from the applicable setback requirements may be issued if:
  - (1) The property cannot reasonably be developed without such deviations. Compliance is not reasonably possible if a building that serves the minimal needs of the use proposed for the non-conforming lot cannot be constructed and located on the lot in conformity with such setback requirements. Mere financial hardship does not constitute grounds for finding that compliance is not reasonable.
  - (2) The deviations are necessitated by the size or shape of the non-conforming lot.
  - (3) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health and safety.
- (C) The intent of this subsection is to require non-conforming lots to be combined with other lots to create conforming lots, but not to require such combination when that would be out of character with the rest of the neighborhood. A newly aggregated or reconfigured lot or parcel shall conform to the minimum lot size, width, and setbacks of the applicable zoning district and other minimum lot requirements of this LDC unless it is an existing non-conforming lot or parcel and the new lot or parcel reduces or maintains the non-conformity. Lot aggregation and reconfiguration within subdivisions is also subject to Article III, Section 3.6(D), Lot Aggregation/Reconfiguration.

## SECTION 7.3 – EXTENSION OR ENLARGEMENT OF NON-CONFORMING SITUATIONS

- (A) **Increase in Extent of Non-Conformity Prohibited.** Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of non-conformity. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
  - (1) An increase in the total amount of space devoted to a non-conforming use; or
  - (2) Greater nonconformity with respect to dimensional restrictions or other requirements.
- (B) **Expansion of Non-Conforming Use in Existing Buildings.** Subject to Section 7.3(D), Changes in Use, a non-conforming use may be extended throughout any portion of a completed building that, when the use was made non-conforming by this LDC, was manifestly designed or arranged to accommodate such use. However, subject to Section 7.7, Completion of Non-Conforming Projects, a non-conforming use may not be extended to additional buildings or to land outside the original building.
- (C) **Non-Conforming Use of Land.** Subject to Section 7.7, Completion of Non-Conforming Projects, a non-conforming use of open land may not be extended to cover more land than was occupied by that use when it became non-conforming.
- (D) **Changes in Use.** The volume, intensity, or frequency of use of property where a non-conforming situation exists may be increased and the equipment or processes used at a location where a non-conforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this section occur.

- (E) **Single-Family Residential Non-Conformities.** Notwithstanding Subsection 7.3(A), Increase in Extent of Non-Conformity Prohibited, any structure used for single-family residential purposes and maintained as a non-conforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. This paragraph is subject to the limitations stated in Section 7.6, Abandonment and Discontinuance of Non-Conforming Uses. Additions may include Accessory Dwelling Units in accordance with Article V, Other Specific Uses and Structures.

## SECTION 7.4 – REPAIR, MAINTENANCE, AND RECONSTRUCTION

- (A) **Buildings Shall Be Maintained.** Minor repairs to and routine maintenance of property where non-conforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than twenty-five (25) percent of the appraised valuation of the structure to be renovated may be done only in accordance with a development permit issued pursuant to this section.
- (B) **Damage to a Non-Conforming Structure.** If a structure located on a lot where a non-conforming situation exists is damaged to an extent that the costs of repair or replacement would exceed twenty-five (25) percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a development permit issued pursuant to this section. This subsection does not apply to structures used for single-family residential purposes, which structure may be reconstructed pursuant to a development permit just as they may be enlarged or replaced as provided in Section 7.3(E), Single-Family Residential Non-Conformities.
- (C) **Cost Defined.** For purposes of Section 7.3(A), Increase in Extent of Non-Conformity Prohibited, and Section 7.4(B), Damage to a Non-Conforming Structure.
- (1) The "cost" of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.
  - (2) The "cost" of renovation or repair or replacement shall also mean the total cost of all such intended work, and no person may seek to avoid the intent of Sections 7.4(A) or (B) by doing such work incrementally.
  - (3) The "appraised valuation" shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser.
- (D) **Compliance with this LDC.** Compliance with a requirement of this LDC is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the non-conforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. The Land Use Administrator, or designee, shall issue a development permit authorized by this section if it is found that, in completing the renovation, repair or replacement work:
- (1) No violation of Section 7.3, Extension or Enlargement of Non-Conforming Situations.
  - (2) The applicant will comply, to the extent reasonably possible, with all provisions of this LDC applicable to the existing use, except that the applicant shall not lose his right to continue a non-conforming use.

## SECTION 7.5 – CHANGES IN USE OF PROPERTY WHERE NON-CONFORMING SITUATION EXISTS

- (A) **Change in Use of Property.** A change in use of property (where a non-conforming situation exists) that is sufficiently substantial to require a new development order in accordance with Section 3.4, Development Orders, may not be made except in accordance with Sections 7.5(B) through (D) below.
- (B) **Conformity with Code.** If the intended change in use is to a principal use that is permissible in the property's zoning district, and all of the other requirements of this LDC applicable to that use can be

complied with, permission to make the change shall be obtained in the same manner as permission to make the initial use. Once conformity with this LDC is achieved, the property may not revert to its non-conforming status.

- (C) **Inability to Comply with the Code.** If the intended change in use is to a principal use that is permissible in the property's zoning district, but all of the requirements of this LDC applicable to that use cannot reasonably be complied with, then the change is permissible if the order-approving authority for that particular use issues a development order authorizing the change. This development order may be issued if the order-approving authority finds, in addition to any other findings that may be required by this LDC that:
- (1) The intended change will not result in a violation of Section 7.3, Extension or Enlargement of Non-Conforming Situations; and
  - (2) All of the applicable requirements of this LDC that can reasonably be complied with will be complied with. Compliance with a requirement of this LDC is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the non-conforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements, such as paved parking, does not constitute grounds for finding that compliance is not reasonably possible. And in no case may an applicant be given permissions pursuant to this subsection to construct a building or add to an existing building if additional nonconformities would thereby be created.
- (D) **Change to Another Non-Conforming Use.** If the intended change in use is to another principal use that is also non-conforming, then the change is permissible if the order approving authority issues a development order authorizing the change. The order-approving authority may issue the development order if it finds, in addition to other findings that may be required by this LDC, that:
- (1) The use requested is one that is permissible in some zoning district with either a zoning use order, special exception use order, or other development order, and
  - (2) All of the conditions applicable to the development order authorized in Subsection (C) of this section are satisfied, and
  - (3) The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the development order is applied for.

## SECTION 7.6 – ABANDONMENT AND DISCONTINUANCE OF NON-CONFORMING USES

- (A) **Discontinuing a Non-Conforming Use.** When a non-conforming use is discontinued for a consecutive period of one hundred eighty (180) days, or discontinued for any period of time without a present intention to reinstate the non-conforming use, the property involved may thereafter be used only for conforming purposes.
- (B) **Discontinuing a Non-Conforming Situation.** If the principal activity on a property where a non-conforming situation other than a non-conforming use exists is discontinued for a consecutive period of one hundred eighty (180) days, or discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be used only in conformity with all of the regulations applicable to the pre-existing use, unless the entity with authority to issue a development order for the intended use issues a development order to allow the property to be used for this purpose without correcting the non-conforming situations. This development order may be issued if the order-approving authority finds that eliminating a particular nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the non-conforming situation is maintained or moving a substantial structure that is on a permanent foundation). The development order shall specify which non-conformities need not be corrected.
- (C) **Determining the Right to Continue a Non-Conforming Situation.** For purposes of determining whether a right to continue a non-conforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example,

failure to rent one (1) apartment in a non-conforming apartment building for one hundred eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. But if a non-conforming use is maintained in conjunction with a conforming use, discontinuance of a non-conforming use for the required period shall terminate the right to maintain it thereafter.

- (D) **Existing Vacant or Discontinued Non-Conformities.** When a structure or operation made non-conforming by this LDC is vacant or discontinued at the effective date of this article, the one hundred eighty (180) day period for purposes of this section begins to run on the effective date of this article.

## SECTION 7.7 – COMPLETION OF NON-CONFORMING PROJECTS

- (A) **Non-Conforming Projects May Be Completed.** All non-conforming projects on which construction was begun at least one hundred eighty (180) days before the effective date of this LDC as well as all non-conforming projects that are at least ten (10) percent completed in terms of the total expected cost of the project on the effective date of this LDC may be completed in accordance with the terms of their development orders or permits, so long as these development orders or permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this subsection shall apply only to the particular phase under construction.
- (B) **Ceasing of Work on Non-Conforming Projects.** Except as provided in Section 7.7(A), Non-Conforming Projects May Be Completed, all work on any non-conforming project shall cease on the effective date of this LDC, and all development orders or permits previously issued for work on non-conforming projects may begin or may be continued only pursuant to a zoning use permit, special exception use order, or other development orders or permits issued in accordance with this section by the individual or board authorized by this LDC to issue development orders or permits for the type of development proposed. The issuing authority shall issue such a development order or permit if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the land-use law as it existed before the effective date of this LDC and thereby would be unreasonably prejudiced if not allowed to complete his project as proposed. In considering whether these findings may be made, the issuing authority shall be guided by the following, as well as other relevant considerations:
- (1) All expenditures made to obtain or pursuant to a validly issued or unrevoked development order or permit, or other approval shall be considered as evidence of reasonable reliance on the land-use law that existed before this LDC became effective.
  - (2) Except as provided in Section 7.7(B)(1) of this subsection, no expenditure made more than one hundred eighty (180) days before the effective date of this LDC may be considered as evidence of reasonable reliance on the land-use law that existed before this LDC became effective. An expenditure is made at the time a party incurs a binding obligation to make that expenditure.
  - (3) To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made some expenditure to acquire a potential development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the expenditure can be recovered by a resale of the property.
  - (4) To the extent that a non-conforming project can be made conforming and that expenditures made or obligations incurred can be effectively utilized in completion of a conforming project, a party shall not be considered prejudiced by having made such expenditures.
  - (5) An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of the total estimated cost of the proposed project, and the ordinary business practices of the developer.
  - (6) A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the land-use law affecting the proposed development site could not be attributed to him.

- (7) Even though a person had actual knowledge of a proposed change in the land-use law affecting a development site, the issuing authority may still find that he acted in good faith if he did not proceed with his plans in a deliberate attempt to circumvent the effects of the proposed ordinance. The issuing authority may find that the developer did not proceed in an attempt to undermine the proposed ordinance if it determines that at the time the expenditures were made, there was either considerable doubt about whether any ordinance would ultimately be passed, or it was not clear that the proposed ordinance would prohibit the intended development, and the developer had legitimate business reasons for making expenditures.
- (C) **Completion of Phases or Stages Only.** When it appears from the developer's plans or otherwise that a project was intended to be or reasonably could be completed in phases, stages, segments, or other discrete units, the developer shall be allowed to complete only those phases or segments with respect to which the developer can make the showing required under Section 7.7(B), Ceasing of Work on Non-Conforming Projects. The issuing authority shall, in determining whether a developer would be unreasonably prejudiced if not allowed to complete phases or segments of a non-conforming project, consider the following in addition to other relevant factors:
- (1) Whether any plans prepared or approved regarding uncompleted phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural, or engineering work.
  - (2) Whether any improvements, such as streets or utilities, have been installed in phases not yet completed.
  - (3) Whether utilities and other facilities installed in completed phases have been constructed in such a manner or location or such a scale, in anticipation of connection to or interrelationship with approved but uncompleted phases that the investment in such utilities or other facilities cannot be recouped if such approved but uncompleted phases are constructed in conformity with existing regulations.
- (D) **Time Limit.** The issuing authority shall not consider any application for development order or permit authorized by Section 7.7(B), Ceasing of Work on Non-Conforming Projects, that is submitted more than sixty (60) days after November 18, 2024. The issuing authority may waive this requirement for good cause shown, but in no case may it extend the application deadline beyond one (1) year.
- (E) **Expedited Procedures.** Issuing authority shall establish expedited procedures for hearing applications for development orders or permits under this section. These applications shall be heard, whenever possible, before the effective date of this LDC, so that construction work is not needlessly interrupted.



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# Article VIII: Architectural Design

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## SECTION 8.1 – INTENT AND APPLICABILITY

- (A) **Intent.** The purpose of these requirements is to establish design standards so that new construction and additions to buildings shall be compatible with or enhance their surroundings. Great buildings are designed by applying the proven principles of proportion, scale, and harmony and detailing, resulting in an overall balanced composition. Together, these elements should create a cohesive structure that avoids boxy, flat façades; highlights architectural features using authentic and durable materials; provides distinct identity to each building in a manner appropriate to the style employed and minimizes the visual impact of garages and parking facilities from the public right-of-way.
- (B) **Applicability.** All sections within this article shall apply to new development and redevelopment that results in an increase in the square footage of an existing building of the following uses in any zoning district:
- (1) Townhomes
  - (2) Multifamily developments
  - (3) Multiplex, unless they are detached single-residential units or two-unit structures
  - (4) Mixed-Use Developments
  - (5) Office and Commercial
  - (6) Parking garages
  - (7) Institutional use involving buildings with a footprint larger than 30,000 square feet in any zoning district. For this use, the City will only apply the massing standards designed for commercial/office use per Table 8.2.1.
- (C) **Exemptions.** Detached single-family developments, duplexes, and accessory dwelling units are not required to comply with this section.
- (D) **Alternative Design.** These standards are not intended to prevent the use of alternative designs that meet the intent and purpose established in Section 8.1(A), Intent. Proposals for alternative design solutions may be submitted to the City Council for consideration as provided for in Section 8.7, Alternative Design Techniques and Incentives.

## SECTION 8.2 – BUILDING FORM

### (A) Articulation and Design.

- (1) **Architectural Style.** Each building is encouraged to have consistent architectural elements that create a recognizable architectural style, including but not limited to classical revival, colonial revival, craftsman, Florida vernacular, Mediterranean revival, mid-century modern, minimal traditional, Florida ranch, or other style identified in an industry-accepted architectural guidebook. All architectural elements, details, features, and finishes on the exterior of the building should be both consistent and compatible with the architectural style employed.
- (2) **Building Articulation.** Each façade that faces a street shall include projections or recesses such as a front porch, front stoop, bay window, building recesses, or other feature to prevent a flat façade or overall boxy shape.
- (3) **Architectural elements.** Architectural elements and variations cannot be restricted to a single façade and shall be wrapped along the entire length of all street-facing façades. All sides of a building shall display a balanced level of quality and architectural interest consistent with sound and generally accepted architectural practices and principles.
  - (a) **Minimum number of articulation elements.** The following minimum articulation elements are required:
    - (i) Primary façade: Three (3) elements.

- (ii) Secondary façade: Two (2) elements.
- (iii) Rear façade: One (1) element.
- (iv) Rear façade visible from a right-of-way but not fronting a right-of-way: Two (2) elements.

**(b) Types of articulation elements.**

- (i) Arched, gabled, stepped or decorative parapet with cornice over building entrances, integrated with the building's massing and style.
- (ii) Canopies, balconies, patios, porches or porticos, bay windows, steps, ornamental guardrails, pergolas, columns, all of which shall be integrated with the building's massing and style.
- (iii) Vertical or horizontal modulation.
- (iv) Peaked roof forms used as wall articulation.
- (v) Overhangs or other roof treatments that provide shade and break the vertical plane, a minimum of three (3) feet deep that cover at least twenty (20) percent of the horizontal length of the façade.
- (vi) Arches, arched forms, gallery or arcade that cover at least fifty (50) percent of the horizontal length of the façade.
- (vii) Ornamental and structural articulations that are integrated into the building structure, consistent with the building's mass and scale. Vertical architectural treatments shall have a minimum width of twenty (20) inches and a projection or recession of a minimum of twelve (12) inches in depth.
- (viii) Articulation elements that reflect the individuality of each unit including, but not limited to, recesses, additional decorative features, or change of material and/or change of color associated with difference in façade plane, consistent with sound and generally accepted architectural practices and principles.
- (ix) If a rear façade is visible from, but does not front a right-of-way, requiring two (2) articulation elements, enhanced perimeter landscape is permissible as one (1) of the two (2) required articulation elements. The perimeter landscaped area shall be a minimum five (5) feet wide and shall include groundcover and shrubs/vegetation that provide dense screening with a mature height of four (4) feet at a minimum, and one (1) small/medium tree every thirty (30) feet. Perimeter landscape per this section can be an articulation element for parking garages.
- (x) Corner articulation elements including any of the above (except item viii) or a vertical wall signage, an associated plaza, common area, or public art.
- (xi) Any other treatment that the approving authority determines to clearly and convincingly be consistent with the intent of this section and is consistent with sound and generally accepted land use planning practices and principles.
- (xii) Elements utilized to satisfy wall articulation requirements shall not be credited as satisfying other design requirements.

**(B) Massing.**

- (1) **Intent.** The intent of this section is to encourage human scale elements in building design, and to reduce the mass of large buildings. Breaks in mass are encouraged to relate to structural systems and the organization of interior space.
- (2) **Applicability.** Massing requirements apply to commercial, office, and institutional uses according to the footprint standards in Table 8.2.1 and Section 8.1(B)(7).

- (3) **Massing requirements.** The requirement for the subdivision of masses/volumes in a building shall apply according to the standards established in Table 8.2.1.

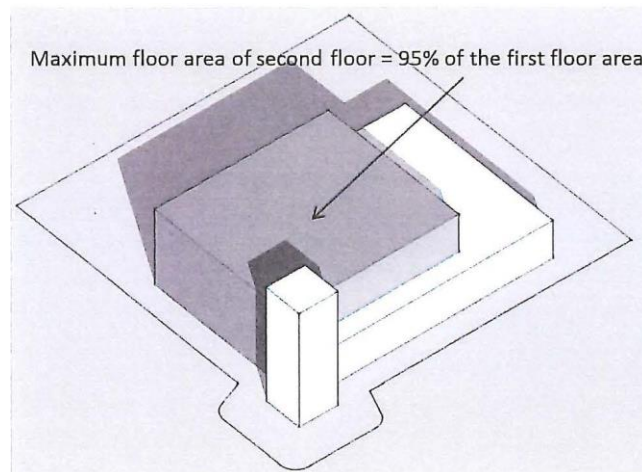
**TABLE 8.2.1: MASSING STANDARDS**

Office/Commercial		Office/Commercial/Institutional	
Small Buildings	Medium Buildings	Large Buildings	Very Large Buildings
Footprint 10,001 sq. ft. up to 15,000 sq. ft.	Footprint 15,001 sq. ft. up to 29,999 sq. ft.	Footprint 30,000 sq. ft. up to 75,000 sq. ft.	Footprint 75,001 sq. ft. or more
One (1) massing element	Two (2) building massing elements are required	Three (3) building massing elements are required	Four (4) building massing elements are required

- (4) **Massing subdivision elements.** When massing subdivision is required per Table 8.2.1, the requirement shall be satisfied by choosing the required number of mass subdivision elements from the following:

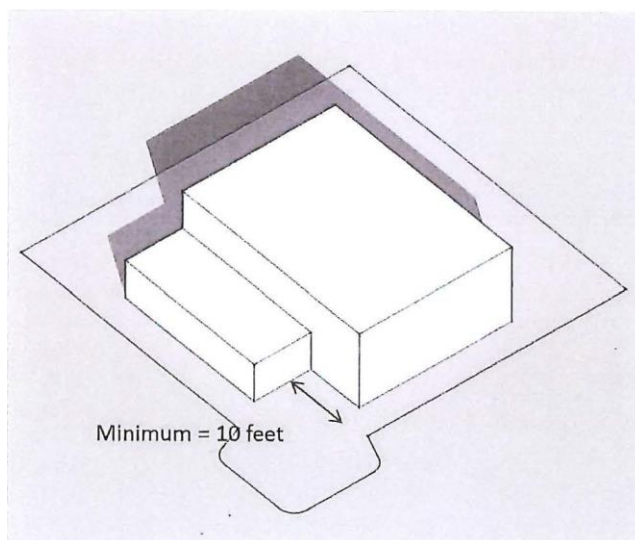
- (a) **Stepbacks.** Stepbacks may occur above the ground or at the second-floor level. If a building is two (2) floors in height, the floor area of the second-floor building mass shall be no more than ninety-five (95) percent of the floor area at the first floor. If a building is three (3) floors or more in height, the total combined area of the second and third floors shall be no more than one hundred ninety (190) percent of the floor area of the first floor.

**Figure 8.2.1 — Massing Stepbacks**



- (b) **Offsets.** Offsets shall be a minimum of ten (10) feet to break up the foundation line to define each mass. The portion projected or recessed shall extend up to the roof eaves.

**Figure 8.2.2 — Massing Offsets**



- (c) **Roof Form Variations.** Distinctive volumes shall be defined by roof forms through the use of the following options:
- (i) Distinctive roof forms covering each building mass.
  - (ii) Same roof form with a different orientation of the ridge elements; or
  - (iii) Same roof form with same orientation, but the roof has a minimum change in elevation of two point five (2.5) feet between each subdivision.

**Figure 8.2.3 — Massing Roof Form**

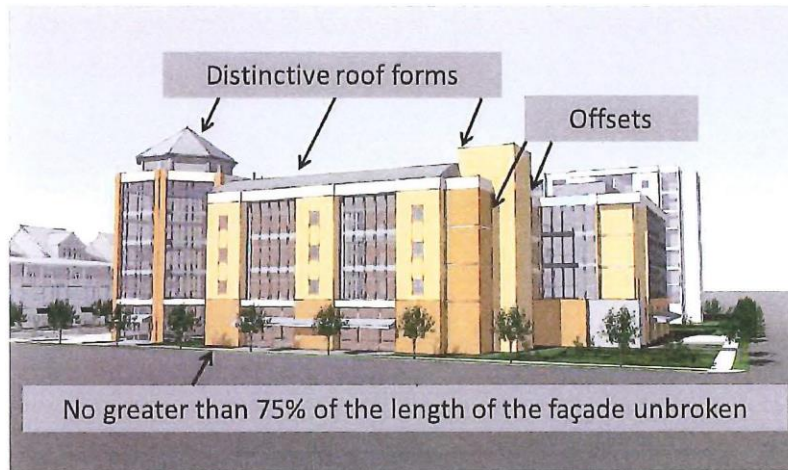


- (d) **Façade Length and Variations.** Variations in the façade shall be as follows:
- (i) Façades greater than sixty (60) feet, but less than one hundred and twenty (120) feet in length shall exhibit a prominent shift in the façade of the structure so that no greater than seventy-five (75) percent of the length of the building façade appears unbroken. Each shift shall be in the form of either a ten (10) foot change in building façade alignment or a ten (10) foot change in roof line height, or a combined change in façade and roof line totaling ten (10) feet.



- (ii) Façades that exceed one hundred and twenty (120) feet in length shall provide a prominent shift in the mass of the structure at each one hundred and twenty (120) foot interval, or less if the developer desires, reflecting a change in function or scale. The shift shall be in the form of either a fifteen (15) foot change in building façade alignment or a fifteen (15) foot change in roof line. A combination of both a roof line and façade change is encouraged and to that end, if the combined change occurs at the same location in the building plan, a fifteen (15) foot total change will be considered as full compliance.
- (iii) The façade length and variation requirement apply to primary and secondary façades.

**Figure 8.2.4 — Massing Façade Variations**



- (e) **Additional façade wall articulation elements.** façades that exceed one hundred and twenty (120) feet in length shall provide additional wall articulations as follows:
  - (i) Primary Façades: One (1) additional wall articulation;
  - (ii) Secondary Façades: One (1) additional wall articulation;
  - (iii) Rear Façades: One (1) additional wall articulation.
- (5) **Application of massing.** Elements utilized to count to satisfy massing requirements shall not be credited as satisfying other design requirements.

## SECTION 8.3 – FENESTRATION

- (A) **Fenestration.** Doors, windows and other openings in a building exterior façade shall comply with all of the following:
  - (1) Fenestration elements (doors, windows and openings) shall be appropriately sized for the scale and style of the building on which they are located.
  - (2) Townhomes/Multiplex: Minimum of twenty (20) percent of the area of the primary façade or façades that front a street, park, plaza or on-site courtyard and ten (10) percent of the area of the secondary façade or façades that front a street, park, plaza or on-site courtyard.
  - (3) Multifamily: Minimum of twenty (20) percent of the area of the primary façade or façades that front a street, park, plaza or on-site courtyard and fifteen (15) percent of the area of the secondary façade.
  - (4) Mixed-Use: Minimum of thirty (30) percent of the area of the ground-level primary façade or façades that front a street, park, plaza or on-site courtyard, and twenty (20) percent of the ground level of the secondary façades. For the upper floors: If residential, fifteen (15) percent, and if office or commercial, twenty (20) percent for both primary and secondary façades.



- (5) Office and Commercial: Minimum of thirty (30) percent of the area of the ground-level primary façade or façades that front a street, park, plaza or on-site courtyard, and twenty (20) percent of the ground level of the secondary façades. A minimum of twenty (20) percent of the area of the upper-level primary and secondary façades.
- (6) Parking Garage: Minimum of thirty (30) percent of the façade area of the primary and secondary façades that front a street, park, plaza or on-site courtyard.
- (7) Windows shall provide day-lighting into the building.
- (8) Windows are encouraged to be vertical in shape (height at least twenty (20) percent greater than width). Buildings using large amounts of glass shall divide the glass into smaller panels achieving proportions emphasizing verticality.

## SECTION 8.4 – MATERIALS & COLORS

### (A) Materials.

- (1) **Intent.** The intent of this section is to use façade materials to provide character and attractiveness to the buildings in a harmonious and unifying way.
- (2) **Material consistency.** Material treatment shall be consistent in all façades and shall be complementary to one another and appropriate for the architectural style.
- (3) **Number of façade materials.** The minimum number of building materials used on a primary façade and secondary façade shall be two (2), excluding fenestration, trims and decorative elements.
- (4) **Change in materials.** Changes in material, if any, shall generally occur when there is a change in the plane of the façade. The change in material is encouraged to occur on inside corners of the building.
- (5) **Wrapping materials around building corners.** Brick and stone materials shall wrap around corners to give an appearance of structural function and minimize a veneer appearance.
- (6) **Minimum and maximum percentages of specific façade materials.**
  - (a) The minimum percentage of stone and/or brick in a primary façade is twenty (20) percent and the minimum percentage of stone and/or brick in a secondary façade is ten (10) percent, unless the applicant can demonstrate that the materials being proposed are consistent with the architectural style of the proposed building.
  - (b) The maximum percentage for stucco in a primary façade is forty (40) percent and the maximum percentage for wood panel (including painted or stained lap horizontal siding, vertical board, batten wood siding) is forty (40) percent.
  - (c) The maximum percentage for stucco in a secondary façade is fifty (50) percent and the maximum percentage for wood panel (including painted or stained lap horizontal siding, vertical board, batten wood siding) is fifty (50) percent.
- (7) **Percentage calculation.** The percentage calculation shall be based on exterior walls, excluding fenestration, trims and decorative elements.
- (8) **Permissible façade materials.** High-quality façade materials, including but not limited to: brick, stone, wood panel (including painted or stained lap horizontal siding, vertical board, batten-wood siding) and stucco.
- (9) **Prohibited façade materials.** Prohibited façade materials include: untreated concrete block, plywood, unfinished lumber aluminum, textured T1-11, corrugated fiberglass, sheet metal or tin siding and any other materials determined by the City to be of similar nature or effect.

### (B) Colors.

- (1) **Intent.** The intent of this section is to ensure that colors are harmonious and add to the visual character of the building.
- (a) **Prohibited colors and finishes.** The following are prohibited on the exterior of any building, which are found by the City to be one or more of the following:
  - (i) Colors that are garish, gaudy, loud, excessive or ostentatious;
    - a. Garish colors are glaring, shocking, or vividly bright in a manner that is visually jarring or harsh. Examples include, but are not limited to, neon shades or any colors that visually conflict with the surrounding environment.
    - b. Gaudy colors are overly showy or flashy, lacking in taste or subtlety. This includes highly saturated primary or secondary colors used in a manner that is excessively bold or attention-seeking.
    - c. Loud colors are intense and bold to the point of being intrusive or disturbing to the viewer. These colors are typically at the extreme end of the brightness spectrum and may cause visual discomfort.
    - d. Excessive colors are multiple, overly vibrant colors on a single building or in close proximity that creates a chaotic or disjointed visual effect.
    - e. Ostentatious colors are intended to attract undue attention or impress others through brightness, extreme contrast, or unorthodox combinations that are not in keeping with the aesthetic values of the City
  - (ii) Colors that constitute a glaring and unattractive contrast to the surrounding buildings or area;
  - (iii) Colors that fluoresce under ultra-violet (UV) or black light;
  - (iv) Colors and finishes that are pearlescent or excessively reflective in nature.
- (b) **Maximum number of colors.** A maximum of three (3) colors may be used on the exterior walls of any building plus two (2) additional colors for trim/cornice work. This excludes approved works of art.
- (c) **Natural materials.** Unpainted materials such as brick, stucco, concrete, terracotta, reclaimed materials, bamboo, keystone, coquina and stone do not count as colors.

## SECTION 8.5 – ROOF MODULATION

### (A) Roof Modulation

- (1) **Intent.** The intent of this section is to ensure that visual interest also applies to roof treatment. Roof forms enhance and unify the overall building design in a harmonious way.
- (2) **Roof design compatibility.** Roof forms, slopes, details, materials, and overall design shall be compatible with the overall style, mass, scale and character of the structure.
- (3) **Gutters and downspouts.** All roofs shall include gutters/downspouts that:
  - (a) Drain directly into a cistern, landscaped area or storm drain system.
  - (b) Match the trim or body color of the façade.
  - (c) Are discreetly located to maximize aesthetics, unless decorative in nature.
- (4) **Vent pipes.** Vent pipes that are visible from a street and pedestrian area shall be painted to match the color of the roof to make them less visible.
- (5) **Number and roof modulation elements.** The following minimum roof modulation elements are required:
  - (a) **Primary façade:** Two (2) elements.

(b) **Secondary façade:** One (1) element.

**(B) Roof modulation elements.**

- (1) Uninterrupted roofline along the eave between roof modulation elements shall be no more than forty (40) feet.
- (2) Decorative parapets that are a minimum of three (3) feet in height above the finished roof plane.
- (3) Multiple peaks and/or roof planes.
- (4) A sloping roof with an average pitch of 3:12 or greater.
- (5) Extension of window or façade elements up into the roof area.
- (6) Distinctive roof forms covering each building mass.
- (7) Same roof form with a different orientation of the ridge elements.
- (8) Same roof form with same orientation, but the roof has a minimum change in elevation of two point five (2.5) feet between each roof level.
- (9) Any other treatment that the approving authority determines to be consistent with the intent of this Subsection and is consistent with sound and generally accepted land use planning and architecture practices and principles.

## SECTION 8.6 – PARKING GARAGE DESIGN

(A) **Design Guidelines.** All future parking garages shall comply in their design to the maximum extent with these guidelines:

- (1) **Aesthetics.** Parking garages shall reflect the character, scale and massing of the principal structures they serve. Exterior wall materials for parking garages shall be compatible with the exterior wall materials and finish of the principal buildings they serve.
- (2) **Screening.**
  - (a) All exposed parking garages shall include a solid opaque wall at least forty-two (42) inches high at the exterior of all parking levels to prevent headlights from shining onto streets or adjacent properties. Additional screening elements to soften the severity of the garage podium design may also be required as part of site plan review.
  - (b) A total of at least 50 percent of such exterior building wall, or portion thereof, with adjacent parking spaces shall consist of opaque materials which may include permitted signs, graphic or sculptural art, decorative screening or latticework.
  - (c) Screening elements shall be designed in a structurally sound manner and have a gap of no more than 18 inches from the frame of the screening element to the wall opening.
  - (d) Alternative decorative elements which provide an equivalent level of screening may be allowed in a parking structure where such elements are employed to match the architectural character of the main building or development. Mesh or decorative panels, louvers, green walls, tinted or sandblasted opaque spandrel glass, or similar screening elements shall be used. Where mesh or other materials containing openings are used in conjunction with the screening frame, no individual opening shall exceed four square inches.
  - (e) Perforated metal does not effectively prevent glare in all cases, therefore shall not be used as the primary screening material. It can be used in combination with other screening techniques so that the light spill measured at the parcel line is not more than 0.5 footcandles.
  - (f) Chain link fencing and similar screening elements shall be prohibited as an allowable mesh or similar screening element.

- (g) Additional screening elements to soften the severity of the garage podium design may also be required as part of site plan review.
- (3) **Exterior Façade.** The sloping nature of the interior structure shall not be exposed, repeated, or revealed on the exterior façade. Ramping in parking structures shall be internalized or screened to avoid an angular geometry to the perimeter of the structure.
- (4) **Corners.** Garage corners that are visible to the public realm shall be treated with a corner articulation element.
- (5) **Permissible façade materials include:** brick, stone, wood panel (including painted or stained lap horizontal siding, vertical board, batten-wood siding), stucco, textured stucco and textured concrete panels.
- (6) **Prohibited façade materials include:** untreated concrete block, plywood, unfinished lumber aluminum, textured T1-11, corrugated fiberglass, sheet metal or tin siding and any other materials determined by the City to be of similar nature or effect.
- (7) Parking garage interior walls and ceilings shall be painted/finished with a material in a light color to enhance light levels.
- (8) The maximum building height for parking garages shall be forty-five (45) feet, except for parking garages located in the Downtown Core, Mitchell Hammock Corridor, Gateway West Core, and Marketplace zoning districts, which shall have a maximum height of sixty (60) feet.
- (9) These guidelines shall apply to parking garages (multiple levels) and parking decks (single level) but shall not apply to underground parking garages (at least half the floor height below grade) and shall not apply to parking garages within the interior of projects that are not visible on the exterior street.

**(B) Siting.**

- (1) Parking garages should be located away from public streets and high pedestrian use areas such as plazas or squares or screened by other buildings with habitable uses.
- (2) Landscape setbacks with a minimum dimension of 10 feet shall be provided on all sides of the parking structure except where habitable building frontages are provided at the ground level. In zoning districts with larger front setbacks, those larger setbacks shall apply.
- (3) Locating parking garages adjacent to properties containing or designated for single-family, residential uses, schools or community parks is strongly discouraged. If other locations are not viable, consideration will be given to parking garages that are setback a minimum of twenty (20) feet from these areas, are limited to a maximum height of thirty (30) feet or three (3) stories and contain buffer landscaping and/or architectural features to screen or minimizes vehicular uses.
- (4) Avoid garage vehicular exit locations where the glare of headlights on departing cars would have adverse impact on uses across the street.
- (5) Mechanical equipment and appurtenances (i.e., transformers, ventilation shafts, etc.) shall be located outside of any required setback and shall be screened from public view in accordance with Article V Section 5.1(E), Mechanical, Gas, and Plumbing Equipment.

**(C) Access Requirements.** Parking garages shall meet the following access requirements:

- (1) Parking garages shall be accessed from side streets or alleys unless no such access is available.
- (2) Vehicular entrances shall not exceed a total width of thirty-three (33) feet.
- (3) The number and location of access points shall be determined during the site plan review. Generally, parking garages shall be served by more than one (1) access point unless determined to be unfeasible by the Land Use Administrator, or designee.
- (4) Pedestrian entrances to parking garages shall be accessible directly from the street frontage.

- (5) Requirements including slope and grade are determined by the Engineering Standards Manual.
- (6) Handicapped access, including number of spaces, entrance pathways, ramps, etc., shall be provided as required by and in accordance with the Federal ADA (Americans with Disabilities Act) Standards for Accessible Design and the Florida Accessibility Code.

**(D) Pedestrian Safety.**

- (1) Elevator and stair shafts, mechanical rooms and similar visual disruptions shall be located so as to minimize the obstruction of views between drivers and pedestrians.
- (2) Pedestrian access should be designed to safely avoid pedestrian entry and exit of the garage via vehicular ramps.

(E) All other design requirements in Article VIII shall apply in addition to those listed in this section where applicable.

## SECTION 8.7 – ALTERNATIVE DESIGN TECHNIQUES AND INCENTIVES

Notwithstanding the provisions of the standards set forth herein, an applicant may submit to the City Council an alternative design plan which, although not meeting all of the technical requirements of these standards, clearly and convincingly results in an innovative building or site design which is consistent with sound and generally accepted land use planning or architectural practices and principles, creates a positive visual experience from the street level, protects the visual ambience of the community, enhances the public amenities resulting from the design, and generally furthers the intent of the standards. Approval of alternative design techniques may be granted by the City Council by means of issuance of a site or architectural development order.

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# Article IX: Concurrency

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## SECTION 9.1 – PURPOSE AND INTENT.

- (A) 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 article 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 Local Government Comprehensive Planning and Land Development Regulation Act, F.S. Ch. 163, Pt. II.
- (B) 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 article 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.

## SECTION 9.2 – GENERAL PROVISIONS.

### (A) **Public Facilities and Services for which Concurrency Is Required.**

- (1) The provisions and requirements of this article shall apply only to those public facilities and services listed below:
  - (a) Sanitary sewer.
  - (b) Solid waste.
  - (c) Stormwater (drainage).
  - (d) Potable water.
  - (e) Recreation.
  - (f) Open space.
- (2) In no case 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) The City shall not issue a development order unless or until there is a concurrency finding for the development.
- (4) The City shall require language within a development agreement stating the following:
  - (a) The maximum number of units for residential uses and the maximum square feet for non-residential uses are not guaranteed until there is a concurrency finding for the development.
  - (b) The developer/property owner acknowledges that the number of residential units and square footage of non-residential development that may ultimately be developed pursuant to the development agreement shall not exceed what is supported by the future concurrency findings for the development.
- (5) The mitigation of off-site transportation impacts for development shall be addressed through payment of mobility fees to the City.
- (6) Amendments to the Future Land Use Map or Element that result in an increase in density or intensity may be required to evaluate and mitigate transportation impacts for the increased development.

### (B) **Development Subject to Concurrency Review.** Unless specifically exempted below, all applications for a development order shall be subject to concurrency review.

- (1) **Vested Projects.** Projects which are determined in accordance with the City's vesting requirements to have vested rights with regard to the concurrency requirement shall be exempt from the provisions of this article.
- (2) **Minimum Threshold.** The following development shall be exempt from concurrency review:

- (a) Residential projects which would create one (1) additional single-family homesite;
  - (b) Non-residential expansions of up to ten (10) percent of the existing gross floor areas, providing such expansion is estimated to create one (1) equivalent residential unit of utility demand or less;
  - (c) Non-residential developments meeting the de minimis standards under F.S. § 163.3180(6); and
  - (d) Construction of accessory buildings and structures which do not create additional public facility demand.
- (C) **Minimum Requirements for Concurrency.** To ensure that public facilities and services necessary to support development are available concurrent with the impacts of said development, the standards in subdivisions (1) through (2), below, shall be met. In determining the availability of services or facilities, a developer may propose and the City may approve, developments in stages or phases so that facilities and services needed for each phase will be available in accordance with the standards required by F.S. § 163.3180.
- (1) **For Potable Water, Sewer, Solid Waste and Drainage.** The following standards shall be met:
- (a) The necessary facilities and/or services shall be in place at the time the certificate of occupancy is issued; or
  - (b) All development orders or permits shall be issued subject to the condition that the certificate of occupancy will be issued only if the necessary facilities and services will be in place when the impacts of development occur; or
  - (c) The necessary facilities shall be under construction at the time the development permit is issued; or
  - (d) 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 F.S. Ch. 163.3220, an agreement or development order issued pursuant to F.S. Ch. 380, and non-statutory development agreements. The agreement shall guarantee that the necessary facilities and services will be in place when the impacts of the development occur.
- (2) **For Parks and Recreation.** The following standards shall be met:
- (a) At the time the development order or permit is issued, the necessary facilities and services shall be the subject of a binding executed contract which provides that parks and recreation facilities to serve new development shall be in place or under actual construction no later than one (1) year after issuance of a certificate of occupancy; or
  - (b) The necessary facilities and services shall be guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one (1) year of the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220, an agreement or development order issued pursuant to F.S. Ch. 380, and non-statutory development agreements.
- (D) **Concurrency Administration.** The City shall be responsible for the following five (5) primary tasks associated with administration of this article:
- (1) Creating and maintaining an inventory of existing public facilities, capacities, or deficiencies;
  - (2) Determining concurrency of pending development order applications; that is, development orders that do not have a concurrency determination.
  - (3) Providing advisory concurrency assessments and recommending conditions of approval for all development orders;

- (4) Conducting an annual review of the five-year schedule of capital improvements in the Capital Improvements Element (CIE) and modifying as necessary, to maintain financial feasibility pursuant to F.S. § 163.3164(32); and
- (5) Annually reporting the status of all public facilities capacities covered under this Article to the City Council, the City Manager and the public.

### SECTION 9.3 – ADOPTED LEVEL-OF-SERVICE (LOS) STANDARDS.

The adopted level-of-service standards for those public facilities for which concurrency is required shall be those established in the Comprehensive Plan.

### SECTION 9.4 – SPECIFIC REQUIREMENTS AND GENERAL STANDARDS FOR FACILITIES.

The requirements of this section are applicable to amendments to the Future Land Use Element of the Comprehensive Plan or map that result in an increase in density or intensity and the evaluation of development access connections to the multimodal transportation system.

#### (A) **Transportation.**

The current edition of the Trip Generation Report, prepared by the Institute of Transportation Engineers (ITE) shall be used to calculate average daily and peak hour trip ends generated by new development. Adjustments to these estimates may be made based on information supplied by the Applicant and generally acceptable traffic engineering practice, as accepted by the City Engineer and/or the City Engineer's designee and/or the City's transportation engineering consultant.

- (1) **Traffic Operational Analysis Required.** All new developments shall be required to submit trip generation data which identifies "a" and "b" below. The City will review the traffic data submitted and determine if a more extensive review of traffic impacts is required. Such an analysis shall include the following:
  - (a) Projected average daily trip ends for the proposed development.
  - (b) Maximum projected peak-hour trip ends generated by the development.
  - (c) Design capacity of the accessed street(s).
  - (d) Analysis of traffic distribution for both daily and PM Peak Hour/Peak Direction conditions on the street network including all street sections within one (1) mile of each site access point to a collector or arterial street, to the extent that new trips with one (1) end in the project represent more than ten (10) percent of the street capacity. The street sections may be limited for the evaluation of development access connections.
  - (e) Projected percentage of truck and bus traffic.
  - (f) Necessary operational improvements to the City's multimodal transportation system within the City based on requirements of the Comprehensive Plan.
  - (g) Intersection analysis for major intersections for all affected streets as described in item (d). Major intersections shall be determined by the City.
  - (h) Other related information as required by the City.

#### (B) **Sanitary Sewer.**

- (1) The City's standard for estimating sanitary sewer demand shall be one (1) equivalent residential unit (ERU). An ERU equals three hundred (300) gallons per day (gpd) unless otherwise established for a private provider by the Public Service Commission.
- (2) For uses other than residential, the generation standards shall be determined in compliance with all applicable City Ordinances and approved City engineering standards.

(C) **Solid Waste.**

- (1) The City encourages all development to make accommodations for recycling solid waste.
- (2) Developers shall obtain a letter from Seminole County verifying that the County has sufficient available capacity to serve the proposed development.
- (3) Commercial, institutional and industrial developments which are potential hazardous waste generators shall be responsible for coordinating with Seminole County for disposal of such waste. Written approval shall be obtained from the County and submitted to the City that the hazardous waste to be generated by the proposed development can be accommodated at the County's landfill or directed to an alternative licensed disposal facility.

(D) **Stormwater (Drainage).** A stormwater (drainage) plan, including drainage calculations for pre- and post-development conditions based on the stormwater management requirements of this LDC, the Engineering Standards Manual, and State and Federal regulations, shall be prepared for all developments.

(E) **Potable Water.**

- (1) The City's standard for estimating potable water demand shall be one (1) equivalent residential unit (ERU). An ERU equals three hundred fifty (350) gallons per day (gpd) unless otherwise established for a private provider by the Public Service Commission.
- (2) For uses other than residential, the Applicant shall figure anticipated flow in accordance with Ordinance No. 1148 of the City of Oviedo. Additionally, commercial, institutional and industrial developments shall provide the City with a description and estimate of water use needs for any special processes involving potable water.

(F) **Recreational and Open Space.**

- (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 persons per household standard included in the current Comprehensive Plan.
- (2) **Office Commercial/Institutional/Industrial Developments.** Office, commercial 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.
- (3) **Open Space.** Open space impact shall be calculated as twenty-five (25) percent of the total development area.

## SECTION 9.5 – CONCURRENCY REVIEW PROCEDURES.

- (A) The City shall be responsible for conducting all concurrency reviews as required by this article. Concurrency review shall be initiated upon receipt of a completed development order or development permit application, 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.
- (B) Review and approval of a proposed development may be postponed for a reasonable time 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.
- (C) **Application.** All development applications subject to concurrency review as required by this article shall include a completed concurrency review form containing the following information:
- (1) Description and estimate of water use needs.
  - (2) Description and estimate of wastewater generation.
  - (3) Description and estimate of solid waste generation.

- (4) Stormwater drainage calculations.
- (5) Description and estimate of recreation and open space needs.
- (6) Other information required by the City to conduct a complete and accurate review.

**(D) 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 9.3(A) above, the City shall calculate the anticipated impacts of a proposed development for all applicable public facilities listed in Section 9.3, Adopted Level-of-Service (LOS) Standards of this article. The impacts of the proposed development shall then be assessed against the existing conditions established above.

**(E) Project Phasing/Timing of Improvements.** Public facility improvements associated with a phased development may also be phased, provided that all public facility 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 required facility improvements required by the development order or development agreement have been completed.

**(F) 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 the 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(s) of service standard(s) 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(s) or additions will need to be completed to be concurrent with the impacts on such facility(s) created by the proposed development.

## SECTION 9.6 – CONCURRENCY ENCUMBRANCE.

- (A) Capacity Encumbrance.** If the concurrency findings in Section 9.5(F), Concurrency Findings, 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 shall encumber, or recommend to City Council the encumbrance of, public facility capacity necessary for the proposed development. Capacity encumbrances shall be made on a first-come, first-served basis, based on the date of project approval by the development order approving authority. Capacity shall be encumbered as specified in the 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 encumber public facility capacity for the project through subsequent final development orders required for project completion as long as the development order remains valid and development continues in good faith; however, a finding of concurrency shall be valid for a maximum of two (2) years or as otherwise provided by a development agreement. The expiration date of a final development order shall not be extended without

reassessing concurrency in accordance with this article. A developer may reserve capacity for five (5) years for potable water and sewer upon payment of connection and capital recovery fees for the development.

- (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 Land Development Code. 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 concurrency requirements, but for which all other 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, provided such reservation is in accord with a specific development or redevelopment strategy identified in the Comprehensive Plan which serves an overriding public purpose. Any such capacity reservation shall be noted in the annual report on public facilities and capacities made available to the City Council and the public each year, as required by Section 9.8, Status Report/Required Capital Facilities Improvements, below.

## SECTION 9.7 – RESERVED

## SECTION 9.8 – STATUS REPORT/REQUIRED CAPITAL FACILITIES IMPROVEMENTS.

The City shall regularly monitor the cumulative effect of all approved development orders on the capacity of public facilities. On an annual basis, the City shall prepare and present to City Council 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 deficiency(s) will have on the approval of future development orders. The appropriate City staff shall then recommend a schedule of improvements necessary.

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# Article X: Floodways, Floodplains, Drainage, and Erosion

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## SECTION 10.1 – FLOODPLAIN AND FLOODWAYS.

- (A) **Structures Prohibited in Floodway and Drainage Connections.** Any construction that diminishes the functional floodway capacity is prohibited. The criteria for determining such prohibition will be that criteria declared by the Federal Emergency Management Agency (FEMA).
- (B) **Uses Prohibited in Floodway and Drainage Connections.**
- (1) The storage of hazardous materials or hazardous waste within a floodplain is expressly prohibited.
- (C) **Permissible Uses in Floodplains.**
- (1) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary and other related uses.
  - (2) Ground level loading areas, parking areas.
  - (3) Lawns, gardens, play areas.
  - (4) Golf courses, tennis courts, driving ranges, parks, trails, open space, and other similar private and public recreational uses.
  - (5) Single-family homes, with special permission of City Council, and constructed in accordance with Construction within Floodways and Floodplains Restricted.
  - (6) Streets.
  - (7) All of the above uses shall provide compensatory floodplain volume for impact to the floodplain volume caused by the proposed use.
- (D) **Construction within Floodways and Floodplains Restricted.**
- (1) **Development Order or Permit Requirements.** All development and construction shall meet the requirements set forth in Chapter 27 of the Code of Ordinances, as amended from time to time.

## SECTION 10.2 – DRAINAGE AND STORMWATER MANAGEMENT AND EROSION CONTROL.

- (A) **Natural Drainage System.** To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing manmade drainage ways shall remain undisturbed. Isolated vegetated wetlands which are not invaded with exotic plant species shall be maintained and incorporated into stormwater management facilities to the maximum extent possible.
- (B) **Stormwater Management.**
- (1) **Drainage Systems for Each Phase.** The drainage system for any phase of development shall be capable of standing on its own if subsequent areas planned for development are not completed.
  - (2) **Existing Off-Site Runoff.** The drainage system for each development shall make provisions to adequately convey existing contributing off-site runoff either through or around the development.
  - (3) **Post Development Run-off Equal to Pre-Development Runoff.** The storage and controlled release or retention on-site and infiltration into the ground of the stormwater run-off from any development will be required so that the peak run-off will not be greater than it was prior to such development. Refer to Engineering Standards Manual for specific design criteria.
  - (4) **Upland/Upstream Property Owner.** An upstream property owner may only use his/her property in a reasonable manner and may convey stormwaters downstream but not increase the velocity, volume, or loads of its flow; however, that the direction of flow may not be modified unless downstream compensating storage is provided.
  - (5) **Downland/Downstream Property Owner.** A downstream property owner may not dam, block, impede, or obstruct stormwater flow from a lawful upstream property use.

- (6) **Relationship to Other Stormwater Management Requirements.** In addition to meeting the requirements of this LDC, the design and performance of all stormwater management systems shall comply with applicable State regulations (F.S. Ch. 373) to be carried out in a manner consistent with Chapter 62-40 of the Florida Administrative Code (FAC) and be permitted by the St. Johns River Water Management District pursuant to Chapter 40C-4 FAC. In all cases, the strictest of the applicable standards shall apply.
- (7) **Level of Service Standard.** The level of service standards established in the Comprehensive Plan must be met by all new developments and redevelopment projects.
- (8) **Design Standards.** Specific design standards are included in the Engineering Standards Manual.
- (C) **Water Quality.**
  - (1) **State Water Quality Standards.** Permitted rates and volumes, if applicable of stormwater runoff, whether discharged into natural or artificial watercourses, shall meet State water quality standards.
  - (2) **Impact on Wetlands.** No site alteration shall cause siltation of wetlands, pollution of downstream wetlands, or reduce the natural retention or filtering capabilities of wetlands.
  - (3) **Health Hazard.** No site alteration shall allow surface water to become a health hazard.
- (D) **Recharge.**
  - (1) **Minimize Runoff.** Developments shall maximize the infiltration of natural rainfall into the soil and minimize direct overland runoff into adjoining streets and water courses.
  - (2) **Encourage Infiltration.** Run-off from driveways, roofs, or other impervious areas should be diverted so as to flow over grassed areas prior to flowing into any drainage system whenever possible.
  - (3) **Development in Recharge Areas.** Development in areas determined to have prime recharge as refined through specific technical information provided to the City by the applicant, shall meet the least restrictive of the following standards:
    - (a) Post-development rates and volumes shall be at least equal to pre-development rates and volumes; or
    - (b) Post-development rates and volumes shall achieve at least seventy (70) percent infiltration to the aquifer of all on-site stormwater.
    - (c) Impervious surfaces shall not exceed fifty (50) percent of the total site area in such areas.
  - (4) **The Following Uses Are Prohibited in Recharge Areas.**
    - (a) Junk yards containing materials which may contaminate the aquifer,
    - (b) Outside storage of hazardous or toxic wastes, and
    - (c) Tank farms and other petroleum products storage.
- (E) **Easements.** The City may require drainage easements to provide for the protection and functional maintenance of drainage systems not within a right-of-way.
  - (1) **Easements Required.** Drainage easements may be required over any portion of a drainage system not within a right-of-way at the City's sole discretion and necessary for the functioning of the system.
  - (2) **Unobstructed Access.** Access easements shall be utilized to provide unobstructed access for maintenance equipment from a street or right-of-way. Adequate maintenance access shall be provided for all drainage systems (retention, detention basins, etc.).
  - (3) **Easement Widths.** Minimum easement widths are included in the Engineering Standards Manual.
- (F) **Erosion and Sediment Control.** All construction projects as part of the development order application shall submit an erosion and sediment control plan to ensure that the following issues are addressed:

- (1) All developments shall be constructed and operated in a manner which does not contribute to soil erosion or sedimentation damage.
- (2) Sediment contamination measures shall be implemented where a potential for sediment transfer to water bodies or floodplains exists.
- (3) Seeding, mulching, sodding and/or other acceptable methods shall be performed as required to prevent undue erosion during all construction activities. The developer shall be required to keep accumulations of sand and earth out of the curb and gutter. Temporary siltation basins may be required during construction.
- (4) No site alteration shall cause sedimentation of wetlands, pollution of downstream wetlands, or reduce the natural retention or filtering capabilities of wetlands unless permitted otherwise.
- (5) Intermittent watercourses, such as swales, shall be vegetated to prevent erosion.
- (6) Artificial watercourses and water bodies shall be designed so that the velocity of flow is low enough to prevent erosion and so that aeration and circulation are optimized.
- (7) Specific design and construction standards are included in the Engineering Standards Manual.

### SECTION 10.3 – STORMWATER MANAGEMENT STANDARDS.

Standards regarding stormwater management and drainage facilities are listed below. In addition, specific construction standards can be found in the Engineering Standards Manual.

(A) **Performance Standards.** All development shall be designed, constructed and maintained to meet the following minimum performance standards:

- (1) The stormwater management systems preferred for new development shall be consistent with best management practices.
- (2) The stormwater requirements of this section shall be achieved through the retention or detention of stormwater run-off in surface facilities, such as grassed swales (where soils are conducive), or retention and/or detention ponds.
- (3) Detention volume shall be provided so that the post-development peak rate of discharge shall not exceed the pre-development peak rate of discharge in accordance with the requirements set forth in the Engineering Standards Manual.
- (4) The proposed development activity shall not violate the water quality standards as set forth in Chapter 62-40, Florida Administrative Code.

(B) **Stormwater Management General Technical Standards.**

- (1) It is the responsibility of the applicant to submit sufficient information for the building official and City Engineer or their designees, to determine whether the requirements of this stormwater management code are being met. The public works department may from time-to-time issue design guidelines that are to be followed in meeting the requirements of this LDC.
- (2) Submittal information should meet the requirements set forth in the Engineering Standards Manual.
- (3) It shall be the duty of the property owner to provide proper maintenance of the stormwater management system so that the system continues to meet the requirements of this LDC. The City shall have the power to inspect stormwater management systems and facilities and to require such maintenance, repair and replacement of facilities as necessary. Necessary maintenance and repair shall be made within a time period not to exceed thirty (30) days after notification by the City of the problem and required corrective action.

(C) **Design Standards.** Specific stormwater management design and construction standards are provided in the Engineering Standards Manual.

(D) **Surface Stormwater System Standards.**

- (1) Surface stormwater systems utilized to accomplish the stormwater retention and percolation requirements shall be designed so as to be readily accessible from rights-of-way, parking lots, courtyards or other open areas so that maintenance and clean-out of these areas can be easily accomplished.
- (2) Spillways or other entrance channels to retention areas shall be designed to prevent the flushing of these retention areas by heavy rains.
- (3) Retention areas shall be designed and function in accordance with the requirements set forth in the Engineering Standards Manual.

**(E) Underground Stormwater System Standards.**

- (1) Underground stormwater retention systems may be permitted provided those systems are designed in accordance with the requirements set forth in the Engineering Standards Manual.
- (2) Pipes utilized shall be of material acceptable to the City Engineer in accordance with the requirements set forth in the Engineering Standards Manual.

**(F) Design Storm Standards.** The specific minimum design storm standards are identified in the Engineering Standards Manual.

**(G) Drainage Area Geometry.** The specific drainage area geometry requirements are listed in the Engineering Standards Manual.

**(H) Material and Design Specifications.** The specific material and design specifications are provided in the Engineering Standards Manual.

**(I) Inlets and Structures.** The specific inlets and structures specifications are identified in the Engineering Standards Manual.

## SECTION 10.4 – EROSION AND SEDIMENT CONTROL.

(A) **Basic Principles.** Erosion control measures shall comply with the provisions of F.S. § 403.0885, and applicable rules of the Florida Administrative Code pursuant to the Florida Department of Environmental Protection's National Pollutant Discharge Elimination System Stormwater Regulatory Program. There are five (5) basic principles of reducing erosion and sedimentation from developing areas.

(1) **Plan the Development to Fit the Site.**

- (a) Slope length and gradient are key elements in determining the volume and velocity of runoff and its associated erosion. As both slope length and steepness increase, the rate of runoff increases and the potential for erosion is magnified. Where possible, steep slopes should be left undisturbed. Long steep slopes should be reduced by benching, terracing or construction of diversions.
- (b) Soils which contain a high proportion of silt and very fine sand are generally the most erodible. Soil erodibility is decreased as the percentage of clay or organic matter increases. Well-drained soils, generally gravel-sand mixtures, are the least erodible.
- (c) Natural vegetative cover is extremely important in controlling erosion because it:
  - (i) Shields the soil surface from the impact of falling rain;
  - (ii) Increases infiltration of water into the soil;
  - (iii) Increases evapotranspiration of water into the air;
  - (iv) Reduces the velocity of runoff; and
  - (v) Holds soil particles in place as well as filtering surface runoff.

(2) **Expose the Smallest Practical Area of Land for the Shortest Possible Time.** Plan the phases of development so that only areas which are actively being developed are exposed. All other areas should have a good cover of temporary or permanent vegetation or mulch. Grading should be completed as soon as possible after it is begun and stabilization measures shall be initiated as soon as practicable, but in no case no more than seven (7) days. Cut slopes and fill slopes should be revegetated as soon as they are brought to proper grade. Minimizing grading of large or critical areas during the season of maximum erosion potential (May 1 to September 30) reduces the risk of erosion.

(3) **Apply Soil Erosion Practices to Prevent On-Site Damage.** These practices control erosion on a site and prevent excessive sediment from being produced. Keep the soil covered as much as possible with temporary or permanent vegetation or with various mulch or netting materials. Special grading methods such as roughening a slope on the contour or tracking with a cleated dozer are highly effective. Other practices, such as berms or diversion structures, control the surface runoff.

(4) **Apply Sediment Control Practices as a Perimeter Protection to Prevent Off-Site Damage.** Once sediment is produced, practices such as diversion ditches, sediment traps, vegetative filters and sediment basins can be used to prevent the sediment from getting off-site. Generally, sediment can be retained by two (2) methods:

- (a) Filtering runoff; and
- (b) Impounding the sediment-laden runoff for a period of time so that the soil particles settle out.
- (c) **Implement a Thorough Maintenance and Follow-Up Operation.** This principle is vital to the success of the preceding principles. A site cannot be effectively protected without thorough, periodic checks of the erosion and sediment control practices. Proper installation and maintenance of practices is a shall if they are to effectively perform their functions. An improperly installed or maintained practice is both expensive and functionless. A routine "end of day check" to make sure all control practices are working properly is an easy and quick way to maintain the site.

**(B) Protection of the Stormwater System, Natural Water Bodies, and Any Potentially Sensitive Areas from Erosion.**

- (1) The developers shall be responsible for protection of all potentially sensitive areas adjacent to or included within construction sites. These include but are not limited to wetlands, protected uplands, water bodies, drainage structures and watersheds. These areas shall be protected against sedimentation or stormwater that would be considered detrimental per local, State and Federal regulations. It is the developer's responsibility to obtain the National Pollutant Discharge Elimination System (NPDES) permit for all construction sites one (1) acre and larger. The developer shall adhere to all NPDES stormwater discharge permit conditions, and any local, State and Federal regulations. The most stringent rules shall apply.
- (2) Erosion control measures shall be established prior to site clearing, trenching or grading activities. Proposed stormwater facilities shall be rough excavated and graded prior to the start of site grading activities. Site runoff shall be directed to the ponds to minimize runoff to off-site areas. Failure to complete these steps at the start of site grading can result in a stop work order of all other activities until completed. Maintenance of vegetation, erosion, and sediment pollution controls, stormwater management practices and other protective measures shall occur so they will remain in good and effective operating condition at all times. Any damaged or missing sediment/erosion control measures shall be repaired and reinstalled and any sediment build-up shall be removed.
- (3) There are three (3) basic categories of practices for controlling the runoff sediment from construction sites:
  - (a) **Stabilization Practices to Expose the Smallest Practical Area of Land for the Shortest Possible Time.** Erosion control shall plan for interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Stabilization measures shall be initiated as soon as practicable but in no case more than seven (7) days, in portions of the site where construction activities have temporarily or permanently ceased.
  - (b) **Runoff Control Measures.** The control of surface water runoff is imperative if erosion is to be reduced. Runoff velocities shall be kept low and water not allowed to concentrate, otherwise gully erosion can cause severe problems, particularly on slopes and fill areas. Slope lengths can be broken up by contour benching and furrowing, selective grading and roughening of slopes and through the use of berms, diversions and ditches. These practices not only reduce the concentration and velocity of runoff but serve to divert the water to stabilized areas such as buffer strips or sediment traps. Concentrated water flow shall be controlled near hydrologically sensitive fill areas to prevent gully erosions. Down-drains, grade stabilization structures, paved ditches, jute netting or mulches with a chemical binder are essential on fill areas or steep grades that have concentrated amounts of runoff flow over them.
  - (c) **Sediment Trapping Measures.** Structural sediment trapping measures comprise the final category of erosion protection. Since some erosion will occur even with the best use of preventive measures, sediment traps act as a final line of defense by stopping the sediment from entering water courses. Silt fences are one (1) of the most common forms of trapping sediment and they are very effective when properly planned, installed and maintained. Diversion berms are used to direct sediment-laden water to sediment traps, such as excavated pits or sediment basins. Off-stream sediment basins may be the most effective practice that can be implemented. Sediment basins do not always have to be constructed embankments in low areas. Excavation traps (holes in the ground) are less expensive, more efficient and more reliable than impounded sediment basins. Excavated traps in a series are more effective than one (1) large basin. Sediment basins retain runoff long enough to allow sediment to settle out before the water is discharged to a waterway. Periodic maintenance of basins to remove accumulated sediment is essential to maintain proper functioning and efficiency.



- (4) The contractor shall conduct continual inspections of the site and shall conduct formal inspections on the site every seven (7) days and within twenty-four (24) hours of a rainfall event of one-half (0.50) inches or more on the site. Formal inspections shall be documented and include the following: inspection date, time, and compliance issues that need to be implemented or remedied. Install additional erosion control measures if inspection reveals additional sedimentation control is necessary. Copies of all inspection records are to be maintained on-site and easily accessible for reference or review.
- (5) Any violation of local, State or Federal permitting requirements and/or uncontrolled erosion, turbidity or other environmental permit violations not corrected within twenty-four (24) hours of observation shall be grounds for a stop work order on all activities not related to correction of occurrences. Violations not corrected within twenty-four (24) hours shall be subject to daily fines per the City's Code of Ordinances until the corrective measures are enacted. After seven (7) calendar days, the City reserves the right to initiate any corrective actions the City deems necessary and assess back charges to the contractor.

(C) **Construction Practices.** All construction activities shall conform to the following requirements:

- (1) Temporary erosion and sediment control measures shall be coordinated with permanent measures to assure economical, effective and continuous control throughout the construction phase. Temporary measures shall not be constructed for expediency in lieu of permanent measures.
- (2) Construction materials such as falsework, piling, dikes or other obstructions in watercourses should be removed as soon as practicable after completion of the operation.
- (3) Construction operations in rivers, streams, lakes and other bodies of water should be restricted to:
  - (a) Areas where channel changes are shown on the plans.
  - (b) Areas which must be entered to construct structures or erosion and sediment control measures, and
  - (c) Areas where waters must be forded occasionally during construction, as approved by the City. Frequent fording should not be permitted: temporary bridges or other structures should be constructed where frequent crossings are necessary.
- (4) Material from sediment traps shall not be stockpiled or disposed of in a manner which makes them readily susceptible to being washed into any watercourse by runoff or high-water.
- (5) Proposed well point, sump dewatering, hydrant testing and similar activities resulting in pressure discharge shall be required to adequately demonstrate that a pollution problem is not being created and that all necessary pollution control designs are clearly shown on the plans to direct construction crews during actual construction.

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# Article XI: Streets and Sidewalks

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## SECTION 11.1 – STREET, SIDEWALK, AND BICYCLE FACILITY REQUIREMENTS

- (A) **General.** All development requirements for street, sidewalk, and bicycle facilities shall be fulfilled in accordance with the City of Oviedo Engineering Standards Manual (ESM). If any discrepancy is discovered between this LDC and the ESM or any other City policy, the most stringent and restrictive specification, condition, and/or directive shall apply. All applicable development shall also comply with the requirements established in the Americans with Disabilities Act (ADA) of 1990 and the Florida Fire Prevention Code (FFPC).
- (B) Motor vehicle, pedestrian, and bicycle facility connections shall be provided by the developer between adjacent neighborhoods, and between residential areas and convenience shopping areas, schools, and recreation areas.
- (C) **Right-of-Way (ROW).**
  - (1) **ROW Widths.** Street right-of-way shall meet the standards of Table 11.1.1: Street Design Widths.
  - (2) **Additional ROW and ROW Dedication.** The ESM prohibits half streets and substandard rights-of-way and pavement widths. Additional right-of-way or pavement width may be required to promote public safety and convenience or to ensure adequate access, circulation and parking. New developments adjacent to existing public rights-of-way shall be responsible for providing and dedicating additional right-of-way to meet the right-of-way width requirements as specified herein. Rights-of-way shall be dedicated to the public unless adequate provisions are made for private maintenance. The right-of-way dedication may be credited against required mobility transportation impact fees, as appropriate. Buildings may not be located in proposed rights-of-way.
- (D) **Street Design Standards.**
  - (1) **Standard Street Types.**

Streets are designed to accommodate multimodal traffic, serve a variety of users and promote economic vitality. This section is intended to acknowledge this and provide guidance for future street construction and reconstruction.

    - (a) Streets shall be constructed in accordance with the dimensions provided in Table 11.1.1 Street Design Widths and the additional standards specific to each type where provided. Where applicable, additional or more stringent standards in Article IV Section 4.13, Target Areas, shall be applied. In no case shall the streets constructed be out of compliance with the minimum standards of the ESM.
    - (b) Streets shall include Street Trees consistent with Article XII Section 12.3(B)(2), Street Trees.
    - (c) Local streets shall provide connectivity outside of direct access from residences or businesses to the surrounding street network, where feasible.
    - (d) Sample cross sections are provided in Figures 11.1.1 Example Street Cross-Section (Local Commercial or Collector) and 11.1.2: Example Local Neighborhood Street Cross-Section. Example Cross-Section do not show every potential configuration. Letter designations in the Cross-Sections correspond to the letter designations for standards in Table 11.1.1.

<b>TABLE 11.1.1: RIGHT-OF-WAY DESIGN WIDTHS</b>				
	<b>Street Type</b>			
	Arterial	Collector	Local Commercial	Local Neighborhood
<b>A. Right-of-Way – Rural (minimum width)</b> <sup>1, 2, 3</sup>	100 ft.	80 ft.	80 ft.	80 ft.
<b>B. Right-of-Way – Urban (minimum width)</b> <sup>2, 3, 7</sup>	80 ft.	76 ft.	50 ft.	50 ft.
<b>C. Median (minimum width)</b>	(-) <sup>4</sup>	2 travel lanes: 16 ft. 4 or more travel lanes: 22-ft.	16 ft. (optional)	N/A
<b>D. Travel Lane (required width)</b> <sup>3</sup>	(-) <sup>4</sup>	12 ft. <sup>5</sup>	12 ft. <sup>6</sup>	12 ft. <sup>6</sup>
<b>E. Bicycle Facilities</b>	(-) <sup>4</sup>	See 11.1(E).	See 11.1(E).	See 11.1(E).
<b>F. On-Street Parking (minimum width)</b>	(-) <sup>4</sup>	8 ft. (optional)	8 ft. (optional)	8 ft. (optional)
<b>G. Furnishing Zone (minimum width)</b>	(-) <sup>4</sup>	7 ft.	7 ft.	7 ft.
<b>H. Sidewalk (minimum width)</b>	(-) <sup>4</sup>	6 ft.	6 ft.	6 ft.

<sup>1</sup> Rural sections allowed only with approval of the City Engineer.

<sup>2</sup> Additional width may be required to meet other standards including off-street bicycle lanes and on-street parking.

<sup>3</sup> Additional width may be required to meet the standards of the Fire Prevention Code.

<sup>4</sup> Subject to FDOT standards.

<sup>5</sup> May be reduced to 11' with approval of the City Engineer, if more than one travel lane.

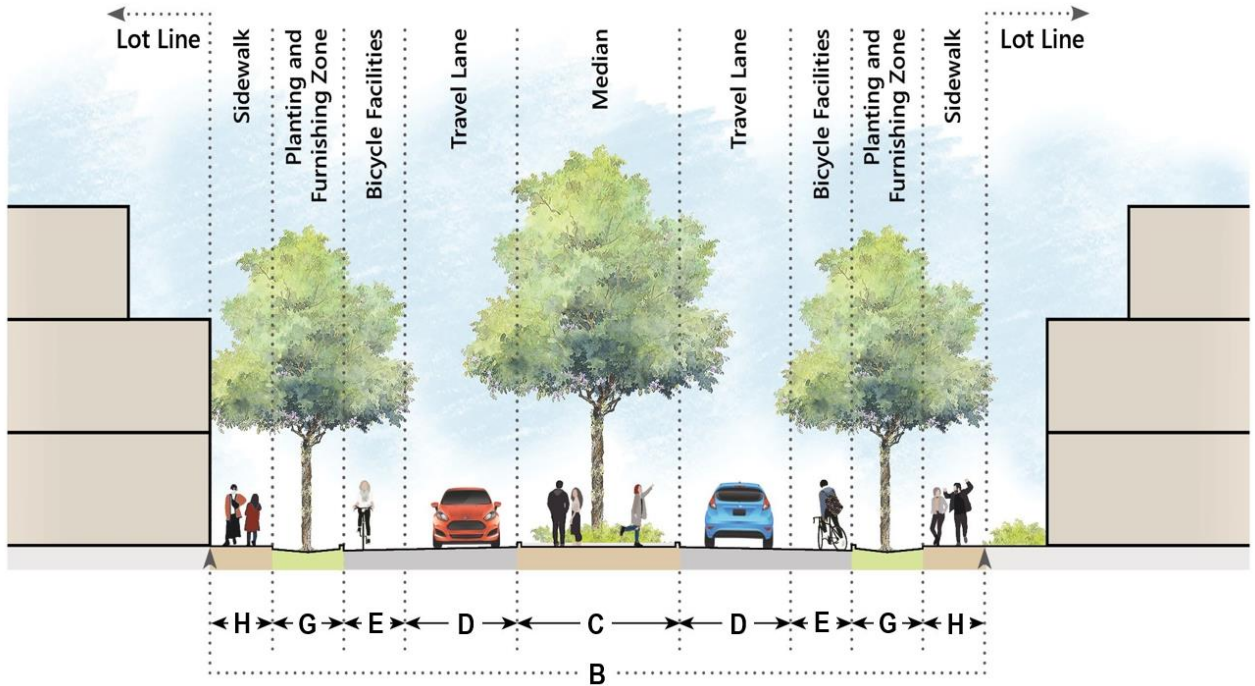
<sup>6</sup> May be reduced to 10' with approval of the City Engineer if it meets the criteria for Local Commercial and Local Neighborhood with the provision of additional right-of-way for on-street parking in excess of the travel lane, or the prohibition of on-street parking.

<sup>7</sup> Additional width may be required to meet the streetscape standards of the Target Areas in Article IV, Section 4.13.

**(a) Local Commercial.**

- (i) Local streets serving commercial, industrial, mixed-uses, and multifamily housing are considered Local Commercial Streets.
- (ii) On-street parking is encouraged on streets with a posted speed limit of thirty (30) MPH or less.

**Figure 11.1.1: Example Street Cross-Section (Local Commercial or Collector)**

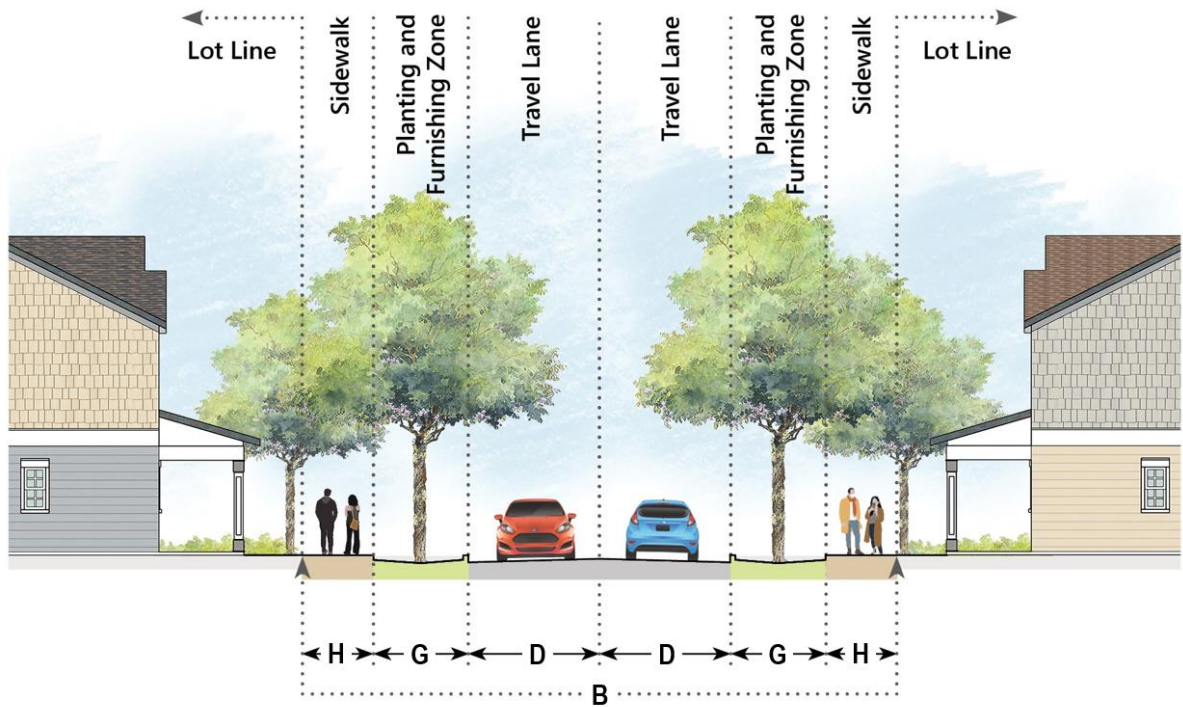


Note: Cross-reference labels to Table 11.1.1 for dimensions

**(b) Local Neighborhood.**

- (i) Local streets directly serving single-family and multiplex lots are considered Local Neighborhood Streets.
- (ii) Streets built to the standards of Local Neighborhood Streets should not have centerline marking or marked parking.
- (iii) Local Neighborhood Streets may meet the standards of Local Commercial streets standards at the option of the applicant.
- (iv) Pavement width on Local Neighborhood Streets may be reduced to twenty (20) feet with approval of the City Engineer if it meets the criteria of this section and on-street parking is prohibited.
- (v) Traffic calming measures in Section 11(2)(A)(3) shall be included to reduce speeding for block segments longer than one thousand three hundred twenty (1,320) feet in length.

**Figure 11.1.2: Example Local Neighborhood Street Cross-Section**



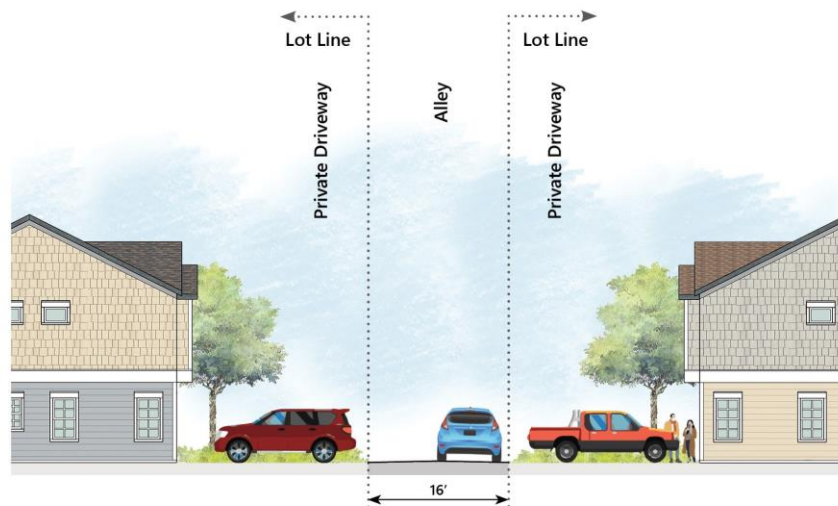
Note: Cross-reference labels to Table 11.1.1 for dimensions

**(b) Residential Alley.**

- (i) Minimum sixteen (16) foot-wide pavement width and a total width of 20 feet-wide, or as required for fire prevention as illustrated in Figure 11.1.3.
- (ii) On-street parking is prohibited.
- (iii) The City Engineer may require that alleys be incorporated into a private easement or tract owned and maintained by a Home Owner's Association or Property Owner's Association.



**Figure 11.1.3: Residential Alley Cross-Section**



- (1) **General.** The ESM provides the requirements for streets and other pavements as well as specific street construction standards. The ESM shall be used to fulfill all requirements with regards street construction standards for including, but not limited to, the following: Design Slopes, Subgrade Requirements, Base Course Requirements, Surface Course Requirements, Curb/Curb and Gutter Requirements.
- (2) **Statement of Certification.** The project design engineer shall include a statement certifying the project has been designed in compliance with Green Book standards and City requirements.
- (3) **Striping Specifications.** The ESM identifies the required striping specifications.
- (4) **Street Lighting.** Appropriate street lighting will be provided at the developer's expense consistent with Article XVI, Lighting Requirements. Crosswalk lighting shall be provided pursuant to FDOT Design Manual specifications.

**(E) Bicycle and Pedestrian Facility Standards and Accommodations.**

- (1) **Bicycle Facilities.** Bicycle traffic shall be accommodated on all new streets and all reconstructed streets.
  - (a) Bicycle facilities may be provided in on-street facilities or off-street facilities. On-street facilities include bicycle lanes, keyhole lanes, separated bicycle lanes, and shared lanes. Off-street facilities include shared use paths and trails. Signage and pavement markings for all bicycle facilities shall be pursuant to FDOT Florida Design Manual (FDM).
  - (b) **Bicycle Shared Lanes (Sharrows).** Shared lanes shall be provided where the posted speed limit is less than or equal to twenty-five (25) miles per hour.
  - (c) **Bicycle Lanes.** Bicycle lanes with a physical barrier, which consists of tubular markers, traffic separators, islands, on-street parking, landscaping, or other form of physical barrier as approved by the City Engineer, shall be provided between the bicycle lane and the street, shall be used on curbed streets with a posted speed greater than twenty-five (25) MPH and greater than or equal to thirty-five (35) MPH. The minimum bicycle lanes width shall be pursuant to the latest version of FDOT's FDM.
  - (d) **Bicycle Keyhole Lanes.** Pursuant to FDOT FDM Section 223, bicycle keyhole lanes shall be provided where bicycle lanes are present approaching an intersection, adjacent to a bus bay, or parking lane. Design criteria in the latest FDOT FDM shall be used to determine placement and width of keyhole lanes.
  - (e) **Bicycle Shared Use Paths.** Shared use paths are required where the design speed is greater than thirty-five (35) MPH but may be provided in any context in lieu of providing

bicycle lanes. Shared use paths shall be designed pursuant to the latest version of FDOT's FDM, Section 224. Either a minimum separation of 10 feet from the back of curb to the edge of the shared use path or a physical barrier, which may consist of tubular markers, traffic separators, islands, on-street parking, or landscaping, shall be provided between the shared use path and the street.

- (f) Any bicycle facility category that is upgraded from one category to the next category, above the minimum requirements, shall be designed pursuant to the latest version of the FDOT's FDM and shall be eligible for a mobility strategy or mitigation.
- (2) **Pedestrian Facilities.** Pedestrian traffic shall be accommodated on all new streets and all reconstructed streets.
- (a) **Sidewalks.** Unless further regulated by Article IV or a shared use path is required, sidewalks shall comply with Table 11.1.1. Sidewalks shall be distanced from the back of curb based on the width of the required Landscape and Furnishing Zone as shown in Table 11.1.1. Root barriers shall be installed pursuant to Section 12.3(B)(2)(e). The developer shall construct the sidewalks to the specifications set forth in the ESM. If sidewalks are not feasible, a fee equal to the cost of constructing the sidewalk shall be paid into the City's Sidewalk Fund upon review and approval by the City Engineer. The minimum width for a Planting and Furnishing Zone may be reduced, with approval from the City Engineer, to accommodate parallel on-street parking or a wider sidewalk or a physically constrained lot.
  - (b) **Pedestrian Access.** Whenever the order-approving authority finds that a means of pedestrian access is necessary to schools, parks, playgrounds, etc., and that such access is impracticable within the public right-of-way, the developer shall reserve an unobstructed easement of at least ten (10) feet and construct a sidewalk of at least six (6) feet to provide such access.
  - (c) **Pedestrian Signalization and Striping.** Pedestrian signalization and striping shall be included with the improved intersection design required of development applications.

## SECTION 11.2 – GENERAL LAYOUT OF STREETS

### (A) General Street Standards.

- (1) **Dead Ends.** Dead end streets are not allowed in the Downtown Core and Downtown Transition Future Land Use (FLU) Designations. Outside of the Downtown Core and Downtown Transition FLU designations, dead end streets shall be limited to conditions where wetlands, water bodies, or infrastructure corridors prevent connections, provided that pedestrian and bicycle facilities shall be constructed where connections can be made to an existing or proposed pedestrian or bicycle network. Dead end streets shall comply with the Florida Fire Prevention Code and ensure adequate maneuverability of fire apparatus. Dead end streets may be dedicated to the public if it meets the requirements of a public street.
- (2) **Layout and Design of Streets.** Streets connecting adjacent developments shall be designed to discourage arterial through-traffic with the use of traffic calming measures such as offset alignments, geometrics including lane widths, signing and other design considerations provided in the Federal Highway Administration's Traffic Calming ePrimer.
- (3) **Traffic Calming Measures**
  - (a) **Measures.** Traffic calming measures include but are not limited to speed tables, horizontal chicanes, on-street parking, raised crosswalks, traffic circles or roundabouts, curvilinear street alignments, and landscaped traffic islands. The Federal Highway Administration (FHWA) provides detailed descriptions and examples of twenty-two (22) different types of traffic calming devices and strategies (Traffic Calming ePrimer FHWA Highway Safety Programs)
  - (b) **Location.** Traffic calming devices shall be located using guidance from FHWA's Traffic Calming ePrimer.

## SECTION 11.3 – ACCESS MANAGEMENT

- (A) **Multimodal Access.** All new development shall be served by a system of sidewalks, paths, streets, accessways, and other facilities designed to provide for multiple travel modes (pedestrians, bicycles, and vehicular). Pedestrian, bicycle, and vehicular access and circulation systems shall be coordinated and integrated to provide transportation choices within and to and from the proposed development. Every lot shall have access that is sufficient to support reasonable means of ingress and egress for emergency vehicles.
- (B) **Access onto Existing Arterial or Collector Streets.** Whenever a major residential subdivision that borders on or contains an existing or proposed arterial or collector street, no direct vehicular access may be provided from the lots within this subdivision on to the arterial or collector street unless the request is specifically approved by the order approving authority.
- (C) **Driveways and Curb Cuts.** All access points onto streets shall be constructed so that:
- (1) Driveways conform to the requirements set forth in the Florida Fire Prevention Code and the ESM; and
  - (2) Vehicles can enter and exit from the lot in question without posing any substantial danger to pedestrians, themselves, or vehicles traveling in abutting streets.
- (D) **Access on Paved Rights-of-Way or Easements.** All new lots within a statutory subdivision shall have access to a paved right-of-way or easement. All new residential lots within a statutory subdivision shall have frontage on a paved right-of-way or publicly accessible common areas or courtyards. Variations may be approved by order approving authority subject to a fire access and parking plan.
- (E) **Reconstruction of ROW.** In order to provide adequate access, reconstruction of adjacent, substandard ROW may be required.
- (F) **Service Drives.** Where a proposed development borders on or contains a railroad ROW, limited access highway ROW, or an arterial or collector street, the City may require a service drive or suitable provisions for future service drives in order to provide adequate access to all lots while controlling the number and location of access points to external streets.
- (G) **Shared and Cross-Access Drives.** Shared access drives and/or cross-access easements between adjacent properties shall be required to minimize the number of driveways and to provide proper spacing of driveways accessing a street, unless determined impractical by the City Engineer.
- (1) Wherever a cross-access corridor has been required, the business sites or neighborhoods within the affected area shall be so designed as to provide for mutually coordinated or joint parking, access and circulation systems, and shall include stub-outs and other design features as necessary to make it visually obvious that the abutting properties may be connected in the future to create a unified system.
  - (2) **Development Prior to Abutting Use.** In the event that the building site is developed prior to an abutting property, it shall be designed to ensure that its parking, access and circulation may be easily tied in to create a unified system at a later date.
  - (3) Where development is proposed on a parcel that cannot adhere to the driveway spacing requirements, a temporary connection with cross-access easements may be approved. The temporary connection shall be removed when the properly spaced joint use connection is constructed.
  - (4) **Existing Abutting Uses.** If the building site abuts an existing developed property, it shall be so designed as to tie into the abutting parking, access and circulation to create a unified system unless the Land Use Administrator, or designee, finds that this would be impractical.
- (H) **Street Intersections and Driveways.**

- (1) **General.** The design and location of urban/suburban intersections should be consistent with the specifications of the ESM.
- (2) **Intersections Angles.** Guidance for intersection angles is provided in the ESM. Design solutions that differ from the standards in the ESM may be allowed with the approval of the City Engineer to accommodate innovative or aesthetic design features or respond to site conditions. No more than two (2) streets shall intersect at any one (1) point without express authorization from the order approving authority.
- (3) **Intersections Coinciding.** Whenever possible, proposed intersections along one (1) side of a street shall align with existing or proposed intersections on the opposite side of such street.
- (4) **Street Spacing.** Roadway spacing standards are based on the functional classification of the roadway as defined in the Transportation Element of the Comprehensive Plan.
  - (a) An arterial may intersect an arterial but only if aligned with and extending an existing arterial, or at a distance of at least one (1) mile from the intersections of existing arterials.
  - (b) A collector may intersect an arterial but only if aligned with and extending an existing collector, or at a distance of at least one-half (½) mile from the intersection of an existing collector.
  - (c) A collector may intersect a collector if spaced at a minimum of one thousand three hundred twenty (1,320) feet from the intersection of an existing collector.
  - (d) A local commercial or local neighborhood street may intersect an arterial but only if aligned with and extending an existing local street which intersects the arterial, or at a distance of at least one thousand three hundred twenty (1,320) feet from the intersection of an existing collector or local street and the arterial.
  - (e) A collector or local commercial street may intersect another collector or local commercial street only if aligned with and extending an existing collector or commercial street, or at a desirable distance of six hundred sixty (660) feet from any other intersection.
  - (f) A local neighborhood or local commercial street may intersect a collector if spaced at a minimum of six hundred sixty (660) feet from any other intersection.
- (5) **Spacing for Signalized Intersections.** It is desirable that intersections that are to be signalized have spacing specifications that are different from that of non-signalized intersections in order that distance between signals be capable of providing reasonable cycle lengths. The need for signals will be based upon a warrant study being conducted as described in the "Manual on Uniform Traffic Control Devices." The minimum spacing of signalized intersections is one thousand three hundred twenty (1,320) feet for arterials and collectors. Traffic signals meeting signal warrants may be placed at intervals closer than the minimum standard for the arterials and collectors segment when the City Engineer determines that the addition of such signals is needed for the safety and operation of the arterials and collectors for motorists, pedestrians, and/or bicyclists based on an engineering study performed by a registered transportation engineer.
- (6) **Number and Spacing of Driveways.**
  - (a) **General.** Every owner of property has a right to reasonable access but may not have the right to a particular means of access.
  - (b) **Driveway Spacing for Arterial, Collector, and Local Neighborhood and Local Commercial Streets.** Spacing between driveways, other than single-family residential lots, fronting on the same side of the street shall conform to the table below. Distance is measured from centerline to centerline. Parcels which are otherwise unable to meet these minimum separation requirements shall utilize cross access easements to provide needed separation. Within the Target Areas defined in Article IV Section 4.13, Target Areas, to the fullest extent possible, all access will be provided from side or rear frontages with one entrance per block face, unless impracticable.

**TABLE 11.3.1: SPACING OF DRIVEWAYS**

Functional Classification	Minimum Separation
Arterial	330 ft.
Collector	200 ft.
Local Commercial	75 ft.
Local Neighborhood	50 ft.

- (c) **Number of Driveways.** Distance is measured from centerline to centerline. The number of driveways shall be based upon the frontage of the entire site and in accordance with the following criteria, unless traffic or safety conditions require the maximum number to be reduced.

TABLE 11.3.2: MAXIMUM NUMBER OF DRIVEWAYS	
Site Frontage	Maximum Number of Driveways*
Less than 300 feet	1
301—700 feet	2
701—1200 feet	3
1201—1800 feet	4
More than 1800 feet	5 (minimum 400 ft. separation)

\*Driveway separation requirements shall not apply to single family residential units.

- (d) Driveways on opposite sides of any undivided street classified collector or arterial shall either be aligned on the same centerline or be offset at least two hundred (200) feet on collectors, or three hundred thirty (330) feet on arterials. Distance is measured from centerline to centerline.
- (e) The access drives for non-residential parcels located in the corner of two (2) or more local commercial streets shall be located no closer than seventy-five (75) feet from the intersection. If the corner parcel accesses one (1) or more arterial/collector streets, full access shall be limited to six hundred sixty (660) feet; with a right-in/right-out permitted at least three hundred thirty (330) feet from the intersection.
- (f) **Controlled Access Facilities.** Development along a controlled access facility shall adhere to the following criteria:
- (i) Signal Spacing. One thousand three hundred twenty (1320) feet intervals.
  - (ii) Median Openings. Six hundred sixty (660) feet intervals.
  - (iii) Driveway Curb Cuts. Three hundred thirty (330) feet spacing (from the centerline of the nearest curb cut or median opening).
  - (iv) Where possible, direct access to property should be provided by local neighborhood and commercial streets, frontage streets, or cross-access easements to a joint use connection

- (v) Any parcel without more than three hundred thirty (330) feet of street frontage or which abuts parcels with less than three hundred thirty (330) feet of street frontage shall be required to provide cross-access easements to adjacent parcels and use or provide a joint use connection.
  - (vi) Property shall not be subdivided into parcels with less than three hundred thirty (330) feet of street frontage unless alternative access is provided and access rights along the controlled access facility are dedicated to the City.
  - (vii) More restrictive spacing may be required in areas where existing conditions have created unsafe driving conditions.
- (7) **Pavement (or Curb) Radii at Intersections.** The minimum intersection radii of pavement edge, or back of curb where used, at all typical intersections without bicycle lanes or on-street parking that approximate a right angle shall be as required in the table below. For intersections where one or more of the approaches have bicycle lanes or on-street parking, the applicable minimum radius shall be the effective turning radius consistent with the guidance provided in the latest FDOT Design Manual.

TABLE 11.3.3 MINIMUM CURB RADIUS	
Category	Minimum Radius
Local Neighborhood to Local Neighborhood	25 ft.
Local Commercial to Local Commercial	35 ft.
Local Commercial or Local Neighborhood to Collector	35 ft.
Local Commercial or Local Neighborhood or Collector to Arterial	50 ft.
Collector to Collector	30 ft.

- (8) **Minimum Radii.** The minimum radii may be reduced where a high number of pedestrian crossings are present or are anticipated to reduce crossing distances. Reductions shall be based on guidance in the latest FDOT Design Manual.
- (9) **Auxiliary Lanes.** The ESM provides the specific requirements for turn lanes, tapers, storage lanes, and bypass lanes.

## SECTION 11.4 – STREET NAMES AND BUILDING NUMBERS

- (A) **Street Names.** Street names shall be assigned by the developer subject to approval of the order approving authority. The developer shall include a proposed list of street names with the development final engineering plans before the platting process begins. Proposed streets that obviously align with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the City's jurisdiction, regardless of the use of alternative suffixes such as lane, court, drive, etc.
- (B) **Building Numbers.** Building street addresses shall be assigned by the City, and a certificate of occupancy shall not be issued until the building number is posted. The posting of a building number shall conform to the requirements set forth in the Florida Fire Prevention Code.

## SECTION 11.5 – DEVELOPMENT ORDERS AND PERMITS

In addition to the development orders or other permits specified in this LDC, the following permits may be required prior to issuance of a building permit:



- (A) An FDOT driveway permit is required for all proposals to access State right-of-way.
- (B) A Seminole County driveway or access permit is required for all proposals to access the County street system.
- (C) A Seminole County ROW permit is required for construction in the County ROW.
- (D) A City ROW permit is required for construction in the City ROW.

## SECTION 11.6 – TRAIL-ORIENTED DESIGN

**Purpose.** This section emphasizes the importance of a connection to pedestrian trails and strives to create dual frontages that highlight the importance of a traditional entrance along a sidewalk or thoroughfare with a trailside entry as equally important.

- (A) A lot may have more than one primary frontage. A lot line abutting a park, open space, river, trail, or pedestrian path can be designated as a primary frontage.
- (B) Sites with frontages identified as a multi-use trail, pedestrian path, or bicycle way shall construct the planned multi-use trail for the full length of the frontage, ensuring that no portion of the trail segment is narrower than the minimum width specified in the adopted master plan. Where a property abuts existing or planned trails, pedestrian, or bicycle ways on two or more frontages, connectors may be provided within the property through a public access easement.
- (C) Properties positioned between a pedestrian trail and a street shall incorporate primary façades facing both public spaces.
- (D) Trail-side design should incorporate second entrances, directional signage to assist trail users where to park bicycles and enter spaces, and outdoor seating appropriate for the business use. Building utilities shall be screened from view of the trail.
- (E) Sidewalks shall allow for ADA-compliant pathways along with pedestrian-scale lighting, and other street furniture such as benches, trash receptacles, and bicycle racks.
  - (1) Directional signage shall not count towards total sign area.
  - (2) The order approving authority may approve deviations from this Section where site constraints prevent compliance.
- (F) Bonuses may be made available for adherence to this section, as listed in Article IV Section 4.14, Density/Intensity Bonuses for Public Benefit.

<sup>1</sup> Shopping Center is defined as: Two or more commercial uses planned, constructed and/or managed as a total entity with unified design and customer and employee parking provided on-site, consisting of ten thousand (10,000) square feet or more.



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# Article XII: Landscaping, Tree Planting, and Buffer Requirements

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## SECTION 12.1 – APPLICABILITY

### (A) Purpose and Intent.

- (1) These regulations are intended to lessen the transmission of noise, dust, and glare and protect the water, air, and other natural resources of the City. The use of existing vegetation to meet these requirements is preferred and strongly encouraged.
- (2) The purpose of these regulations is to ensure efficient water use by establishing minimum standards for landscape and irrigation design, installation and maintenance, recognizing climate, soils, water resources land use and resource planning of the watersheds, that will aid in improving environmental quality and water use efficiency in the City. Developments shall be designed to reduce water consumption by utilizing one (1) or more of the following:
  - (a) The preservation of existing native plant communities;
  - (b) The use of site-specific plant materials;
  - (c) The use of water efficient irrigation;
  - (d) And other applicable Best Management Practices (BMP) as approved by the Land Use Administrator, or designee.
- (3) Create a more sustainable landscape through the implementation of the Florida-Friendly Landscaping™ Program, a statewide program implemented by the University of Florida's Institute of Food and Agricultural Services and the Florida Department of Environmental Protection. The Florida Friendly Landscaping™ Program defines quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. The principles of such landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection.

### (B) Exemptions.

- (1) Sports and recreation fields, golf courses, agricultural production, and cemeteries are exempt from the high-water use zone standards, Section 12.7, Florida-Friendly Landscape™, if a water conservation plan has been approved by the City or under the terms of a consumptive use permit (CUP) issued by the St. Johns River Water Management District (SJRWMD).
- (2) Single Family Residential Lots shall be exempt from all buffer yard requirements other than the front yard requirements for special corridors as shown in Table 12.4.1.
- (3) Downtown Neighborhood (DN), Downtown Core (DC) and Central Avenue (CA) zones are exempt from buffer yard requirements, except where a property abuts existing single-family or two-family development. A proposed multifamily project of 8 units or more, commercial use, or mixed-use project adjacent to existing single-family or two-family development is required to install Buffer Yard A1. Parking lot buffers are not exempt in these zoning districts.

## SECTION 12.2 – GENERAL LANDSCAPING REQUIREMENTS

### (A) Plant Species List.

- (1) The plants listed in the latest edition of the Florida-Friendly Landscaping™ Plant Guide shall be used to meet the requirements of this article. The turf/turfgrass species listed below are also allowed:

Turf/Turfgrass Species	Drought Tolerance
Bahia	High
Bermuda	Medium
Carpet	Low
Centipede	Medium
Seashore Paspalum	Medium
Saint Augustine	Low
Zoysia	Medium

- (2) Landscaping for common areas, buffer yards, stormwater management facilities, and vehicular use areas shall use only high and/or medium drought tolerant turf/turfgrass species.
- (B) **Prohibited Plant Species.** Those plant species which are listed on the Florida Noxious Weed List and the Florida Prohibited Aquatic Plants List as published by the University of Florida Center for Aquatic and Invasive Plants are prohibited and shall not be used to satisfy the requirements of this article.
- (C) **Plant Quality.** All nursery grown or transplanted plant material shall satisfy the minimum plant quality criteria required to conform to the standards for a Grade Number One (#1) or better as published in "Grades and Standards for Florida Nursery Plants", Department of Agriculture and Consumer Services, Division of Plant Industry, latest edition.
- (D) **Trunk Caliper.** All trees shall have a minimum trunk caliper measurement of two and one-half (2½) inches measured at six (6) inches above grade at the time of tree installation, except for medium and small multi-stemmed species may have a minimum container size of thirty (30) gallons, with an equivalent cumulative caliper.
- (E) **Trees Planted Under Power Lines.** Trees planted under a power line shall be medium trees per the Florida-Friendly Landscaping™ Program.
- (F) **Water Conserving Landscape.** All required landscaping shall consist of water conserving landscape plant material and minimize turf grass as described in the Florida-Friendly Landscaping™ Program.

## SECTION 12.3 – TREES

- (A) For the purposes of this section, large, medium and small trees shall be classified according to the tree classification listed in the latest edition of the Florida-Friendly Landscaping™ Plant Guide.
- (B) **Large Trees.** In order to enhance the City's tree canopy, new developments and redevelopments are required to provide and or maintain a number of trees on-site. Table 12.3.1 includes the total number of required trees on-site, inclusive of buffer yard trees and landscape island trees. Street trees will count towards the minimum requirement.

- (1) **Minimum Lot Tree Requirements.** The trees referred to in Table 12.3.1 shall be large trees unless otherwise specified. New and preserved trees count towards the minimum lot tree requirement as specified in the following table:

**TABLE 12.3.1: MINIMUM LOT TREE REQUIREMENTS**

Principal Land Use	Minimum Number of On-Site Large Trees
Agriculture	Exempt
All Uses within the Downtown Core (DC)	8 trees per acre
Single Family Residential Detached/Two-Family Residential (Duplex) greater than 5,000 sf lot	6 trees per acre <sup>2</sup> Minimum of 2 trees
Single-Family Detached (under 5,000 sf lot) or Single-Family Attached (Townhomes) <sup>3</sup>	1 tree per lot or 2 medium trees or 1 palm & 1 medium tree
Multiplex	8 trees per acre
Multifamily Residential	12 trees per acre <sup>2</sup>
Office	12 trees per acre <sup>2</sup>
Commercial	12 trees per acre <sup>2</sup>
Mixed-Use	12 trees per acre <sup>2</sup>
Industrial	12 trees per acre <sup>2</sup>
Public/Institutional	12 trees per acre <sup>2</sup>

Notes:

<sup>1</sup> Caliper or DBH, dependent on the size of the tree.

<sup>2</sup> Net Buildable Acres

<sup>3</sup> Zero front setback townhomes are exempt from the requirement, unless there is a backyard where such trees shall be planted. In case of townhomes with front and rear setbacks of five (5) feet, the required number of lot trees may be split according to the following calculation: a minimum of fifty (50) percent of the required number of lot trees shall be planted on the lots and the remaining number of trees shall be planted in the common area.

- (2) **Street Trees.** For every fifty (50) linear feet of right-of-way adjacent to a parcel, a minimum of one (1) large tree shall be provided by the development order application, within the right-of-way. If prohibited by the jurisdictional authority or in locations where the presence of underground or overhead public utilities makes the installation of such trees impracticable, then medium trees shall be planted as street trees every thirty (30) linear feet of right-of-way or if the medium street trees are impracticable within the right-of-way, said large trees shall be installed on-site, or the applicant shall pay a fee into the City's Tree Bank equal to the cost of large trees.

- (a) Trees shall be highly drought tolerant according to the latest edition of the Florida-Friendly Landscaping™ Plant Guide.

- (b) The trees shall generally be evenly spaced, although some variation may be allowed, based on topography, soil conditions, drainage features, driveways and other features.
- (c) Street trees shall preferably be located between the street and the pedestrian sidewalk or bicycle path and shall be no closer to the street than allowed by adopted safety standards.
- (d) Structural Soil Cells.
  - (i) All street trees that are planted five (5) feet or less to a street, sidewalk, street curb, or utility line shall be planted within an expanded rooting around the tree using structural soil or soil cells (aka tree pit or tree box) or similar treatment, except: Elm, Crape Myrtle, Dahoon Holly, Yaupon Holly, Japanese Blueberry, Pines, Florida Maple, Japanese Privets, Wax Myrtles, or as approved by the Land Use Administrator, or designee.
  - (ii) The following trees require a root barrier when planted within six (6) foot wide planting areas or less: southern live oak, Shumard oak, bald cypress, American sycamore, and sugarberry.
- (3) **Setback from Trees.** No paving may be placed within ten (10) feet of any existing tree retained that is eighteen (18) inches or more DBH, unless approval has been obtained from the Land Use Administrator, or designee.
- (4) **Large Trees in Buffer Areas.** Unless otherwise required in this article, large trees shall be installed in landscape buffer areas in accordance with Section 12.5, Vehicular Use Area Landscaping and Buffer Requirements.
- (C) **Required Species Mix.** When ten (10) or more trees are required to be planted to meet the requirements of this chapter, a mix of tree species shall be provided, at least one (1) of which shall be native to the Central Florida region. The minimum number of species to be planted are indicated below.

**TABLE 12.3.2: REQUIRED MIX OF TREE SPECIES**

Required Number of Trees Planted	Minimum Number of Species
10—20	2
21—30	3
31—40	4
41 or greater	5

## SECTION 12.4 – BUFFER YARDS

(A) Landscaped buffer yards shall be required to provide visual relief from building mass and paved areas; to separate different land uses; eliminate or minimize potential nuisances such as dirt, litter, noise, and glare; reduce adverse impacts of noise, odor, or danger from fires; and to assist in reducing air pollution hazard.

(B) Buffer yards shall be provided for each proposed use as specified in Table 12.4.1:

**TABLE 12.4.1: REQUIRED BUFFER YARDS**

	Right-of-Way Buffer						Adjacent Property Buffer						
Principal Land Use	Local Neighborhood Street	Collector Street	Commercial Street	Arterial Street	Mitchell Hammock Corridor	Oviedo Blvd. Corridor	Single Family	Multifamily	Mobile Home	Office	Commercial	Industrial	Public/ Institutional
SF Residential	(1)	(1)	(1)	(1)	C1	A1	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Multiplex Residential	A1	A1	A1	A1	C1	A1	A2	A1	A1	A1	A1	A1	A1
MF Residential	A1	A1	A1	A2	C1	A1	B	A1	A1	A1	A1	A1	A1
Mobile Homes	A1	A1	A1	A1	C1	A1	B	B	B	B	A1	A1	A1
Office	A1	A1	A1	A1	C1	A1	C1	A1	A1	A1	A1	A1	A1
Commercial	A1	A1	A1	A1	C1	A1	C2	A2	A1	A1	A1	A1	A1
Industrial	A2	A2	A2	A2	C2	A1	C2	C2	C2	A2	A2	A2	A2
Public/ Institutional	A1	A1	A1	A1	C1	A1	B	B	B	A1	A1	A1	A1

Footnotes: 1. The symbol (1) indicates exemption

(C) Buffer yards shall be located at the perimeter of the land use and shall not be located in any portion of a public or private right-of-way, unless provided for in a recorded landscape easement.

(D) Buffer yards shall not be required adjacent to property lines for which the property zoning district designates a zero (0) foot building setback.

(E) Under no circumstances should the adjacent property buffer be required in addition to Section 12.5, Vehicular Use Area Landscaping and Buffer Requirements. The greater of the two applies.

(F) **Buffer Yard Composition.** Buffer yards may be composed of a brick wall, a fence, landscaped earth berm, planted vegetation, and/or existing vegetation. They may contain joint access driveways, joint parking lots, sidewalks (perpendicular to the buffer yard for access to streets or adjacent properties), lift stations, and pedestrian or bike trails as approved by the Land Use Administrator, or designee. Signs or attention-getting devices may be installed in Type A, Type B and Type C buffer yards subject to the



requirements of this Land Development Code. In no event, however, will any of the following uses be permitted in buffer yards: play fields, stables, swimming pools, tennis courts, parking lots (except as specifically provided in this Section), equipment storage and other open storage, buildings or overhangs. A maximum of twenty-five (25) percent of the required buffer yard may be used for stormwater retention/detention facilities provided that such facilities are constructed and maintained in strict compliance with all applicable regulatory requirements.

- (G) **Buffer Yard Descriptions.** The minimum criteria for those buffer yards identified in Table 12.4.1 are described in Table 12.4.2, Table of Buffer Yard Descriptions.

**TABLE 12.4.2: BUFFER YARD DESCRIPTIONS**

Type	Description
A1	Minimum width of 7.5 feet.
	Minimum placement of large trees at a rate of 2 trees per 100 linear feet of buffer yard length.
A2	Minimum width of 10 feet.
	Minimum placement of large trees at a rate of 2 trees per 100 linear feet of buffer yard length.
	Minimum placement of medium and/or small trees at a rate of 2 trees per 100 linear feet of buffer yard length.
B	Minimum width of 15 feet.
	Minimum placement of large trees at a rate of 2 trees per 100 linear feet of buffer year length.
	Minimum placement of medium and/or small trees at a rate of 2 trees per 100 linear feet of buffer yard length.
C1	Minimum width of 20 feet.
	Minimum placement of large trees at a rate of 3 trees per 100 linear feet of buffer yard length.
	Minimum placement of medium and/or small trees at a rate of 3 trees per 100 linear feet of buffer yard length.
C2	Minimum width of 30 feet.
	Minimum placement of large trees at a rate of 3 trees per 100 linear feet of buffer yard length.
	Minimum placement of medium and/or small trees at a rate of 3 trees per 100 linear feet of buffer yard length.
	A six (6) foot high decorative brick, stone, stucco, or pre-cast wall consistent with the surrounding neighborhood shall be required between solely commercial and solely residential zoning districts. Other wall materials may be approved by the approving authority.

Note: For the purposes of this Table, the mature height of small trees could reach a minimum of thirty (30) feet according to the growth height specification for small tree classification in the latest edition of the Florida-Friendly Landscaping™ Plant Guide.

- (H) **Buffer Yards Included in Setback Requirements.** Buffer yards may be counted toward satisfying zoning district building setbacks, open space requirements and may be used for passive recreation.

## SECTION 12.5 – VEHICULAR USE AREA LANDSCAPING AND BUFFER REQUIREMENTS

- (A) **Surface Vehicular Use Area Landscaping.** Surface Vehicular use areas shall be landscaped according to the following minimum criteria:
- (1) **Landscape Buffer for Vehicle Use Areas Adjacent to Rights-Of-Way and Property Lines.** Buffers may be reduced from the standards established in Table 12.4.1 to seven and a half (7.5) feet with the installation of an opaque wall at a minimum of four (4) feet in height and three (3) small/medium trees every one hundred (100) feet.
  - (2) **Landscape Island Areas.** Landscape islands shall be provided and maintained after every ten (10) parking spaces and as terminal ends to all parking rows. The minimum dimension of any landscaped island area shall be eight (8) feet in width as measured from the back side of any protective curbing, and shall be equal in length to the adjacent parking space. Each landscaped island area shall contain at least one (1) large tree. All other landscaped areas within the vehicle accommodation area shall be subject to the requirements of Section 12.2, General Landscaping Requirements.
  - (3) **Central Landscape Strip with Pedestrian Walkway.** The parking lot shall be visually and functionally segmented with landscape islands and strips through the use of fully-separated, improved pedestrian walkways.
    - (a) **Applicability.** Surface Parking lots containing one hundred (100) or more parking spaces shall be configured in accordance with the following standards.
    - (b) Walkways shall be provided, at a minimum, every six (6) parallel parking rows (every three (3) double-row parking bays) or every two hundred (200) feet, whichever is the lesser dimension.
    - (c) The central landscape strip with pedestrian walkway shall be a minimum of ten (10) feet wide.
    - (d) The walkway constructed of asphalt, cement, or other comparable material shall be a minimum of four (4) feet wide.
    - (e) Each landscape strip may include large/medium trees planted with a maximum spacing of not more than forty (40) feet on-center. Each landscape strip shall include low-water use plant material as identified in the latest edition of the Florida-Friendly Program.

## SECTION 12.6 – MAINTENANCE

The maintenance of all buffer yards, trees, plantings, and landscape related improvements shall be the responsibility of the property owner or property owners' association, as applicable. Failure to maintain such plantings and related improvements in an attractive and healthy state shall be considered a violation of this LDC. Required buffer yard and shade canopy large trees shall be maintained to facilitate their natural growth characteristics and form, and may be pruned only for the purpose of maintaining vigorous, healthy growth or to provide for the health, safety and welfare of the public. All required landscaping shall be maintained to promote vigorous and healthy growth.

## SECTION 12.7 – FLORIDA-FRIENDLY LANDSCAPE <sup>TM</sup>

- (A) **Design.** Site development plans shall be designed to retain and incorporate into the plan as many existing trees as possible. Building and parking lot locations, sizes, and shapes will be altered as feasible in order to preserve existing trees. The water use zones shall be shown on the irrigation, layout, and planting plans.
- (1) **Water Use Zones.** Installed trees and plant materials shall be grouped together with plants of the same water use needs and climatic requirements into zones. Low-water use plants may be placed in medium and high-water use zones. Medium-water use plants may be placed in high-water use zones. High-water use plants shall not be used in low or medium-water use zones. Medium-water

use plants shall not be used in low-water use zones. The water use zones shall correlate to the draught tolerance designations of plants listed in the latest edition of the Florida-Friendly Landscaping™ Plant Guide as described below. The water use zones shall be graphically shown and their areas quantified in square feet or acres and relative percentages on the Irrigation Plan. The Water Use Zones are as follows:

- (a) **Low-Water Use Zone (L).** Low-Water Use Zones shall comprise a minimum of forty (40) percent of the total landscaped area.
  - (b) **Medium-Water Use Zone (M).** Medium-Water Use Zones shall comprise a maximum of forty (40) percent of the total landscaped area except as provided in (c).
  - (c) **High-Water Use Zone (H).** High-Water Use Zones shall comprise a maximum of twenty (20) percent of the total landscaped area. All portions of high-water use zones shall be provided with central automatic irrigation systems. If the High-Water Use Zone area comprises less than twenty (20) percent of the landscaped area, the Applicant can increase the Medium-Water Use Zone area to an amount equal to or less than the amount of the Low-Water Use Zone area.
- (B) **Plant Selection.** Plant selection shall be based on the plant's adaptability to the existing conditions present at the landscaped area and native plant communities, particularly considering appropriate hardiness zone, soil type and moisture conditions, light, mature plant size, desired effect, color and texture. Installed trees and vegetation shall be spaced and located to accommodate their mature size on the site. The use of native plants in new landscapes is encouraged.
- (C) **Removal of Prohibited Plant Species.** All prohibited plant species shall be removed from each site prior to the beginning of construction. For purposes of determining prohibited plant species to remove, refer to the Florida Noxious Weed List and the Florida Prohibited Aquatic Plants List as published by the University of Florida Center for Aquatic and Invasive Plants.
- (D) **Turf/Turfgrass.** The type and location of turf/turfgrass areas shall be selected in the same manner as with all the other plantings. Permanently irrigated turf/turfgrass areas are considered to be high-water use zones. Irrigated turf/turfgrass areas shall not be treated as a fill-in material but rather as a planned element of the landscape. Turf/turfgrass areas shall be identified on the landscape plans.
- (E) **Mulch.** A layer of mulch to a minimum depth of two (2) to three (3) inches shall be required in plant beds. Organic mulches are preferred. Gravel, river rock, shell and similar materials may be used as landscape mulch. Mulch rings shall extend to at least three (3) feet around freestanding trees and shrubs. Mulches shall be kept at least twelve (12) inches away from any portion of a building or structure and six (6) inches away from stems of plants or trunks of trees. Plastic sheeting and other impervious materials shall not be used under mulched areas. Rubber mulch and similar non-natural materials are prohibited.
- (F) **Irrigation.** The irrigation system shall be designed to correlate to the organization of plants into zones as described above according to the specifications described in Article XVI Section 16.6, Landscape Irrigation.
- (G) **Artificial Turf.** The use of artificial turf is allowed, provided a permit is obtained, and the artificial turf complies with all regulations of this Section:
- (1) **Installation.** Installation shall meet, at minimum, the manufacturer's specifications and may also need to comply with additional City stormwater regulations.
  - (2) **Location.** Artificial turf can be installed on single-family residential properties, private parks, schools, and commercial sites, as well as in play areas of public parks and institutions, subject to this Section's requirements. However, installation is prohibited within public and private rights-of-way and within 50 feet of any artificial or natural water bodies.
  - (3) **Open Space.** Artificial turf is considered an impervious surface because the Landscape Code's goal is to use Florida-Friendly Landscape™ in pervious areas. Therefore, artificial turf areas may not count towards the minimum open space requirement.

- (4) **Appearance.** Artificial turf should appear natural in both color and texture when viewed from any public or private rights-of-way, neighboring properties, or natural features (e.g., wetlands, lakes, parks). The use of indoor/outdoor plastic or nylon carpeting as a substitute for artificial turf is prohibited.
- (5) **Maintenance.** Artificial turf shall be kept in good condition, free of fading, dirt, mud, stains, weeds, debris, tears, holes, and impressions. Maintenance tasks include cleaning, brushing, removing debris, repairing depressions or ruts to keep the surface level, eliminating odors, flattening matted areas, and controlling weeds and invasive roots. All edges of the turf shall remain secured with appropriate edging or stakes.

## SECTION 12.8 – LAKE EDGE LANDSCAPING

- (A) **Planting along Water Bodies Required.** Development sites abutting surface water bodies or wetlands shall be planted with appropriate aquatic plantings, as shown in the Preferred Aquatic Plant List, along at least seventy-five (75) percent of the littoral zone or as required by the City Engineer or by the Florida Department of Environmental Protection. Lake edge landscaping shall not include wet detention areas unless determined as such by the City.
- (B) **Preferred Aquatic Plant List.** Lake edge landscape species selection shall be from Table 12.8.1: Preferred Aquatic Plant List below or as approved by the City.

**TABLE 12.8.1 PREFERRED AQUATIC PLANT LIST**

<b>UPPER LITTORAL ZONE (6" above or below the normal water level)</b>
Bald Cypress - <i>Taxodium disticum</i> (large native tree)
Blue Flag Iris - <i>Iris hexagona</i> (native perennial)
Giant Bulrush - <i>Scirpus californicus</i> (tall exotic sedge from the American West)
Golden Canna - <i>Canna flaccida</i> (native plant)
Soft Rush - <i>Juncus effusus</i> (native plant)
<b>MIDDLE LITTORAL ZONE (from 1" to 3" below normal water level)</b>
Arrowhead - <i>Sagittaria lancifolia</i> (native plant)
Pond Cypress - <i>Taxodium ascendens</i> (large native tree)
Pickernel Weed - <i>Pontederia cordata</i> (native perennial plant)
<b>LOWER LITTORAL ZONE (from 3' to 5' below normal water level)</b>
Fragrant White Water Lily - <i>Nymphaea odorata</i> (native water lily)

**Note:** Other aquatic plants may be used from the List of Aquatic Plants Found in Florida, as prepared by the Florida Department of Environmental Protection, Bureau of Aquatic Plant Management.

- (C) **Wetlands.** Additional lake edge landscaping shall not be required when adjacent wetlands are preserved in their natural state.

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# Article XIII: Parking

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## SECTION 13.1 – NUMBER OF SPACES

- (A) **Number of Spaces.** All developments in all zoning districts shall provide a sufficient number of parking spaces. Handicap spaces shall be provided in accordance with F.S. § 316.1955. The quantity of shared parking spaces for mixed-use developments shall comply with Section 13.2, Shared-Parking for Mixed-Use Developments.
- (B) **Presumptions.** The presumptions established by this article are that a development shall comply with the parking standards set forth in Section 13.1 or 13.2, and any development that meets these standards is in compliance. However, the requirements in these sections are only intended to establish a presumption and should be flexibly administered.
- (C) **Fraction of Spaces.** When the determination of the number of parking spaces required by this section results in a requirement of a fractional space, any fraction of one-half ( $\frac{1}{2}$ ) or less may be disregarded, while a fraction in excess of one-half ( $\frac{1}{2}$ ) shall be counted as one (1) parking space.
- (D) **Uses Not Listed in the Table of Parking Requirements.** Table 13.1.1 Number of Parking Spaces set forth below cannot and does not cover every possible situation that may arise. An applicant proposing to develop a principal use that is not listed in Table 13.1.1: Number of Parking Spaces, shall propose the amount of required parking by one (1) of the three (3) methods outlined in this subsection. Upon receiving the application proposing to develop a principal use not listed in Table 13.1.1, Number of Parking Spaces, with the proposed amount of parking, the Land Use Administrator, or designee, shall determine if the proposed rate is acceptable.
- (1) Apply the minimum off-street vehicular parking space requirement specified in Table 13.1.1, Number of Parking Spaces, for the listed use that is deemed most similar to the proposed use; or
  - (2) Establish the minimum off-street parking space requirement by reference to standard parking resources published by the Institute for Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association, the American Planning Association, or another acceptable source of parking demand data; or
  - (3) Conduct a parking demand study to demonstrate the appropriate minimum off-street parking space requirement. The study shall estimate parking demand based on the recommendations of the ITE, ULI or another acceptable source of parking demand data. This demand study shall include relevant data collected from uses or combinations of uses from at least three (3) different sites that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location. The study methodology shall be approved by the Land Use Administrator, or designee, prior to the study being conducted.
  - (4) Minimum parking requirements within the Target Areas are provided in Section 13.5, Parking in the Target Areas.
- (E) **Use of parking spaces.** Parking spaces may be used for any vehicle allowed to operate on public streets, including motorcycles and golf carts.

**TABLE 13.1.1: NUMBER OF PARKING SPACES**

<b>Land Use</b>	<b>Vehicle Parking</b>
<b>Residential</b>	
Single-Family Detached	2 spaces per dwelling unit
Mobile Home	1 space per dwelling unit
Townhomes (single-family attached)	2 spaces per unit plus 0.25 spaces per unit for guests.
Duplex	2 spaces per dwelling unit
Multiplex Dwelling	2 spaces per dwelling unit
Multifamily Dwelling	1.5 spaces per unit
Adult Family-Care Home	0.5 spaces per bed
Bed and Breakfast	2 spaces for residents of the dwelling unit plus 1 parking space per room or unit let
Rooming House	1 space for every bedroom
Residential - Community Residential Home	0.5 spaces per bed
Live-Work Units	2 parking spaces per dwelling unit
Accessory Dwelling Unit	1 space per unit over 500 square feet
<b>Offices</b>	
Professional/Business/Space Technology, Aviation, and Aerospace Office, and Office Parks	1 space per 250 square feet of gross floor area
Bank	1 space per 250 square feet of gross floor area
Medical Clinic/Hospital	1 space per 200 square feet of gross floor area
<b>Retail/Sales/Service</b>	
Personal Services (excluding Day Care Center)	1 space per 250 square feet of gross floor area
Day Care Center	1 space per 10 children plus 1 space per employee
Restaurant (with and without drive-thru)	1 space per 200 square feet of gross floor area
Funeral Home	1 space per 100 square feet of gross floor area
Assisted Living Facility/Community Residential Home-Commercial	3 spaces for every 5 beds
Automotive Service Stations	1 space per service bay plus 1 space per 150 square feet of gross floor area devoted to sales
Gasoline pumps	1 space for every 10 pumps
Specialty Shops	1 space per 250 square feet of gross floor area
Retail Sales	1 space per 250 square feet of gross floor area
Convenience Stores (with Fuel Stations)	1 space per 200 square feet of gross floor area and 1.5 spaces for every 4 pumps

<b>Land Use</b>	<b>Vehicle Parking</b>
Theaters	1 space per 10 seats
Micro-breweries/Micro-distilleries/Micro-wineries	0.25 space per 1,000 square feet of gross floor area of brewing area and 5 per 1,000 square feet for the taproom area
<b>Retail Sales (with outside storage)</b>	
Personal Storage (mini-warehouse)	1 space per 10,000 square feet of gross floor area and 1 space per 2 employees
Animal Services	1 space per 250 square feet gross floor area
Hotel/Motel	0.75 space for each room plus additional spaces in accordance with this section for restaurants, etc.
Shopping Center	1 space per 200 square feet
<b>Wholesale/Manufacturing</b>	
Wholesale/Manufacturing	1 space per 400 square feet for sales; 1 space for every 2 employees
<b>Educational, Cultural or Religious Uses</b>	
Schools	1.75 spaces per classroom for elementary and middle;
	5 spaces per classroom for high school;
Trade/Vocational Schools	1 space per 100 square feet of gross floor area
Churches	1 space for every 4 seats, 2 spaces per residential unit, 1 space per 200 square feet of floor area used neither for services or residential purposes
Libraries	1 space per 300 square feet of gross floor area
Social Clubs	1 space per 300 square feet of gross floor area
<b>Recreation, Amusement, Entertainment</b>	
Use Recreation	1 space per 200 square feet within enclosed buildings plus 1 space for every three people facility is designed to accommodate at maximum capacity.
<b>Motor Vehicle-Related Sales and Service</b>	
Motor Vehicles Sales and Service	1 space per 200 square feet of gross floor area
Car Wash	5 spaces/20 feet of internal washing capacity
Car Wash Facility—Self-service	2.5 spaces/wash bay
<b>Storage and Parking</b>	
Warehouse/Storage	0.5 space per 1,000 square feet of gross floor area
Scrap Materials, Junkyards, Auto Graveyards	1 space per employee during the highest shift on any single day of operation plus 1 space per 10,000 square feet of lot area.
<b>Miscellaneous Public and Semi-public Facilities</b>	
Public Facilities	1 space per 200 square feet of gross floor area
Mixed-Use	See Section 13.2 Shared Parking and Shared Parking Calculation Table 13.2.1

## SECTION 13.2 – SHARED PARKING FOR MIXED-USE DEVELOPMENTS

- (A) **Shared Parking.** An alternative shared parking calculation for mixed-use development may also be proposed when it is asserted that the different uses may not require the necessity of exclusive use of their parking spaces and may share their parking spaces distributed over different hours of the day. When any land or building is used for two (2) or more categories of uses, the minimum total number of required parking spaces shall be determined by either providing a parking study signed and sealed by an engineer, or the following procedures:
- (1) First, categorize the uses according to the nine (9) categories listed in the use column of Table 13.2.1.
  - (2) Second, add together the minimum required parking for each individual use category, using the ratios set out in Table 13.1.1: Table of Parking Requirements.
  - (3) Third, subtract from each individual sum the number of reserved spaces used exclusively by specified individuals or classes of individuals within the use category.
  - (4) Fourth, create a shared parking matrix by multiplying the results of the third step by the percentages listed in Table 13.2.1 for each use category and time period.
  - (5) Fifth, add together the cells of each of the six (6) vertical columns in the shared parking matrix.
  - (6) The minimum parking requirement is the highest sum resulting from the foregoing addition, plus the total number of spaces which are reserved for use by specific individuals or classes of individuals.
  - (7) The maximum reduction of required parking using shared parking calculations shall be twenty-five (25) percent.

- (B) A shared parking program shall be approved in a binding agreement in a form deemed acceptable by the City Attorney and recorded as part of a development order.

**TABLE 13.2.1: SHARED PARKING CALCULATION**

USE	WEEKDAY			WEEKEND		
	1 AM-7 AM	7 AM-6 PM	6 PM-1 AM	1 AM-7 AM	7 AM-6 PM	6 PM-1 AM
Residential	100%	60%	100%	100%	80%	95%
Hotel	100%	55%	100%	100%	55%	100%
Restaurant	10%	70%	100%	20%	70%	100%
Office	5%	100%	15%	5%	5%	5%
Retail/Commercial	0%	90%	80%	0%	100%	60%
Industrial	5%	100%	5%	5%	5%	5%
Place of Assembly	10%	40%	100%	50%	100%	100%
Entertainment	0%	60%	100%	0%	80%	100%
Others	100%	100%	100%	100%	100%	100%

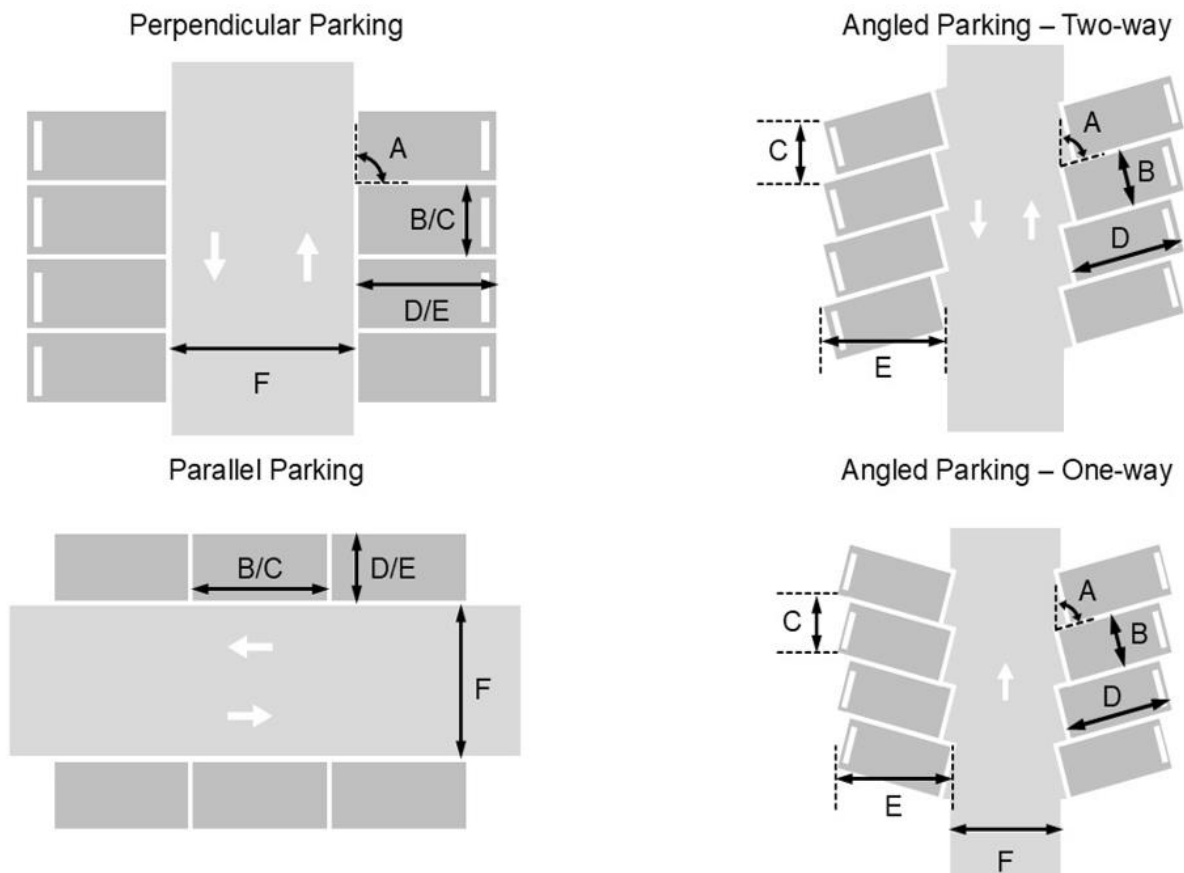
## SECTION 13.3 – PARKING SPACE DIMENSIONS

- (A) **Parking Space Size.** Subject to Sections 13.3(B), (D), and (E) below, each parking space shall meet the dimensions listed in Table 13.3.1 below.

**TABLE 13.3.1: REQUIRED PARKING DIMENSION FOR PARKING STALLS**

Type	Angle	Width		Depth		Aisle
	A	B	C	D	E	F
Perpendicular	90	9'	9'	18'	18'	24'
Angled	75	9'	9'-3"	18'	19'-6"	12'
Angled	60	9'	10'-4"	18'	20'	11'
Angled	45	9'	12'-7"	18'	19'	10'
Parallel	0	8'	22'	22'	8'	22'

**Figure: 13.3.1: Measurement of Parking Space and Aisle Dimensions**



- (B) **Parking Space Design.** Continuous curbing or wheel-stops shall be used at the end of the parking space when the parking space abuts a pedestrian walkway, building, landscaped area, or any other area required by the City. Where wheel-stops are used, one (1) shall be provided for each space. The length of perpendicular and angled spaces may be reduced by shortening standard parking spaces to sixteen (16) feet of pavement with two (2) feet of overhang area. Where the overhang area is a sidewalk, the sidewalk shall be widened to meet the minimum width plus the two (2) foot overhang. Continuous curbing shall be used at the end of the shortened parking space.
- (C) **Angle of Spaces.** Lines demarcating parking spaces shall be drawn at the angles listed in Section 13.3(A), Parking Space Size.
- (D) **ADA Spaces.** ADA spaces shall be provided and sized in accordance with F.S. §§ 316.1955, 316.1956, 316.1958, 320.0842, 320.0843, 320.0845 and 320.0848.
- (E) **Compact Spaces.** Up to 10% of the required parking may be compact spaces, with dimensions of eight (8) feet wide and sixteen (16) feet long.
- (F) **Layout.** Adequate interior driveways shall connect parking spaces with public right-of-way. Suggested design layouts and interior driveway widths are included in The Engineering Standards Manual.

## SECTION 13.4 – GENERAL DESIGN REQUIREMENTS

- (A) **Backing onto Public Streets Prohibited.** Vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a

public street. This requirement does not apply to parking areas consisting of driveways that serve single-family or duplex units, or publicly available on-street parking spaces.

- (B) **Emergency and Public Service Vehicles.** Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments, without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- (C) **Parking On-Site Only.** Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
- (D) **Parking Garage Circulation.**
  - (1) Parking garages shall be accessed from side streets or alleys unless no such access is available.
  - (2) Vehicular entrances shall not exceed a total width of 33 feet.
  - (3) The number and location of access points shall be determined during the application process. Generally, parking garages shall be served by more than one access point unless determined to be unfeasible by the Land Use Administrator, or designee.
  - (4) Pedestrian entrances to parking garages shall be accessible directly from the street frontage.
  - (5) The slope of the grade preceding the exit of a parking garage shall not exceed 2% for a minimum of 25 feet.
- (E) **Circulation Areas.** Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas. Vehicle accommodation areas shall be designed to ensure pedestrian safety by providing crosswalks at the ends of each parking area aisle, as well as between the vehicle accommodation area and the building. Further, a five (5) -foot wide walkway between aisles shall be required if either side of aisle contains more than twenty (20) spaces and shall be located equidistant from the ends of the aisle.
- (F) **Pedestrian Accessibility.** An accessible route shall be provided between all accessible building entrances, adjacent sidewalks, accessible parking spaces, passenger loading zones, and transit stops. Pedestrian entrances are encouraged to be flush with the vehicular surface and protected with bollards or a similar treatment to allow for easy accessibility. Where the vehicular surface is separated from the pedestrian area with a curb, ADA accessible ramps shall be provided in front of every tenant space.
- (G) **Overflow Parking.** Grassed overflow parking areas are encouraged 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 fifty (50) percent for recreational or institutional uses with weekly or less frequent peak demand. However, if overflow areas under the code minimum number of spaces become un-maintained and unsightly, the City may require that those be improved as specified in the Engineering Standards Manual.
- (H) **Fire Lane Designation.** Every vehicle accommodation area that abuts a building or a fire protection device shall be provided with a fire lane designed in accordance with the Engineering Standards Manual.
- (I) **Lighting.** Lighting shall be provided consistent with Article XVI Section 16.7, Lighting Requirements, except as otherwise provided in this article.
- (J) **Driveway Design.** Additional standards for driveway design and parking lot design are located in the Engineering Standards Manual.



## SECTION 13.5 – PARKING IN THE TARGET AREAS

- (A) **All Target Areas.** Parking in all target areas (GW, MHC, MP, DN, CA, and DC).
- (1) No parking shall be permitted between the principal building and the street or within the required front yard or street-side yard setbacks except that MHC may be allowed to have a maximum of two rows of parking in the front of the building.
  - (2) All striped on-street parking spaces contiguous with the property line may count towards the parking requirements. Developers are encouraged to construct on-street parking to count towards the parking requirements if on-street parking is not already present.
- (B) **Downtown Core.** Minimum parking requirements in DC zoning:
- (1) Residential: One (1) space per residential unit.
  - (2) Non-Residential:
    - (a) Hotel/Motel: 0.35 space per hotel room, where accessory restaurant or bar uses are exempt from providing additional parking.
    - (b) Restaurant: Two (2) parking spaces per one-thousand (1,000) square feet.
    - (c) Other uses: One (1) parking space per one-thousand (1,000) square feet.

## SECTION 13.6 – VEHICLE ACCOMMODATION AREA SURFACES

- (A) **Vehicle Accommodation Areas to be Paved.** Vehicle accommodation areas that include lanes for drive-in windows or contain parking areas shall be graded and surfaced. Specifications for surfaces meeting the standard set forth in this subsection are contained in the Engineering Standards Manual.
- (B) **Alternatives.** Vehicle accommodation areas that are not provided with the type of surface specified in Section 13.6(A) above shall be graded and surfaced with crushed stone, gravel, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area shall be paved as provided in Section 13.6(A), Vehicular Accommodation Areas to be Paved, for a distance of twenty-five (25) feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences.
- (C) **Parking Demarcation.** Parking spaces in areas surfaced in accordance with Section 13.6(A), Vehicle Accommodation Areas to be Paved, shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with Section 13.6(B), Alternatives, shall be demarcated whenever practicable.
- (D) **Maintenance of Vehicle Accommodation Areas.** Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.
- (E) **Flexibility.** Section 13.6(A), Vehicle Accommodation Areas to be Paved, is only a guideline for determining pavement requirements. Based on environmental and developmental conditions, the City Council may require more or less compliance.

## SECTION 13.7 – JOINT USE OF REQUIRED PARKING SPACES

- (A) **Joint Use of Parking Allowed.** One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one (1) use may not be credited to any other use.
- (B) **Use of Parking at Different Times.** To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses pursuant to Section 13.2, Shared Parking for Mixed-Use Developments.
- (C) **Use of Satellite Parking.** If the joint use of the same parking spaces by two (2) or more principal uses involves satellite parking spaces, then the provisions of Section 13.8, Satellite Parking, are also applicable.

## SECTION 13.8 – SATELLITE PARKING

- (A) **Use of Satellite or Off-Site Parking.** Within the City, if the number of off-street parking spaces required by this article cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots or garages in accordance with the provisions of this Section upon approval of the order approving authority. These off-site spaces are referred to in this section as satellite parking spaces.
- (B) **Distance to Parking.** All such satellite parking spaces within the City (except spaces intended for employee use) shall be provided as below:
  - (1) **Target Areas:** Satellite parking spaces shall be located within seven hundred (700) feet of a public entrance of a principal building housing the use associated with such parking, or within seven hundred (700) feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance.
  - (2) **City-Wide (outside of Target Areas):** Satellite parking spaces shall be located within four hundred (400) feet of a public entrance of a principal building housing the use associated with such parking, or within four hundred (400) feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance.
- (C) **Permission to Use Satellite Parking.** The developer wishing to take advantage of the provisions of this section shall present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer shall also sign an acknowledgment that the continuing validity of his development order depends upon his continuing ability to provide the requisite number of parking spaces.

## SECTION 13.9 – LOADING AND UNLOADING AREAS

- (A) **Loading and Unloading Areas Required.** Subject to Section 13.9(E), Location, whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, sufficient off-street loading and unloading zones shall be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.
- (B) **Shall Meet Need.** The loading and unloading zone shall be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the order approving authority may require more or less loading and unloading zone spaces if reasonably necessary to satisfy the foregoing standard.

**TABLE 13.9.1 LOADING ZONE SIZE REQUIREMENTS**

Gross Leasable Area of Building	Number of Loading Zone Spaces
3,000 - 19,999	1
20,000 - 79,999	2
80,000 - 127,999	3
128,000 - 191,999	4
192,000 - 255,999	5
256,000 - 319,999	6
320,000 - 391,999	7

Plus one (1) space for each additional 72,000 square feet or fraction thereof.

- (C) Loading docks and zones for industrial and commercial uses shall be designed to meet the needs of the use, but shall have a minimum size of forty-five (45) feet by twelve (12) feet, and an overhead clearance of fourteen point five (14.5) feet from street grade required. For all other uses, including multifamily developments with 10 or more dwelling units, the minimum length of the loading zone may be reduced to twenty-five (25) feet.
- (D) **Design.** Loading and unloading zones shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way, and complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.
- (E) **Distinct and Separate from Parking.** No area allocated to loading and unloading zones may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- (F) **Location.** Loading and unloading zones shall be located and designed so they are not visible from adjacent streets, nor adjacent to residential areas. Loading and unloading areas are not permitted in the right-of-way or allowed only on specific off-peak hours.

## SECTION 13.10 – STACKING FOR DRIVE-THRU FACILITIES

- (A) **Vehicle Stacking Required.** All uses with drive-through facilities or other auto oriented uses where vehicles queue up to access a service facility shall provide vehicle stacking area of sufficient size to accommodate the number of vehicles that are likely to use the stacking area at any given time on-site. The order approving authority may require more or less stacking if reasonably necessary to satisfy the foregoing standard.
- (B) **Size of Space.** Stacking area shall be designed based on a ten-foot by twenty-two-foot space per required vehicle.

(C) **Design of Stacking Area.** The stacking area recommended below shall be designed so as to operate independently of other required parking and circulation areas. A by-pass aisle is required.

**TABLE 13.10.1: MINIMUM NUMBER OF STACKING SPACES FOR DRIVE-THROUGH AND SIMILAR FACILITIES**

Use or Activity	Minimum Number of Stacking Spaces*	Measured From
Financial Institutions	5 per lane	Teller window or ATM
Restaurant with Drive-Through	7	Pick-up window
Car Wash (Self-Service Bays)	2 per bay	Bay entrance
Car Wash (Tunnel or Attendant)	4 per bay	Bay entrance
Drive-Through Auto Service	2 per bay	Bay entrance
Gas Stations	1	Each end of the outermost gas pump island
Gated Driveway	3	Gate
Assisted Living Facility	3	Primary location for pick-up/drop-off
Schools	As needed with approval from the City Engineer	Exiting Driveway Stop Bar
All Other Drive-Through Facilities	As determined by the Land Use Administrator	As determined by the Land Use Administrator

\*If the proposed use or activity is not included in this table or if an alternative stacking requirement would like to be pursued, an analysis showing the estimated peak queue lengths shall be provided by the applicant. The analysis shall be signed and sealed by a professional engineer registered in Florida. If the proposed number of stacking spaces on-site is sufficient to accommodate the peak queue, the order approving authority may review and determine whether to accept the proposed stacking requirement or not.

## SECTION 13.11 – BICYCLE PARKING

(A) **Purpose of Bicycle Parking Requirements.** The bicycle parking requirements of this Section are intended to encourage the use of bicycles as a means of transportation in the City of Oviedo by ensuring adequate bicycle parking facilities are provided.

(B) **Applicability.** The bicycle parking requirements of this Section shall apply to all new development, substantial improvements and substantial enlargements. Whenever the use of an existing building or structure is changed to another use, so that the amount of existing bicycle parking on-site is less than required by this Section, additional spaces shall be provided in the amount required by this Section, unless a deviation is approved by the approving authority.

(C) **General Requirements.**

- (1) Bicycle parking shall be provided in accordance with this Section and shall be made available prior to the issuance of any Certificate of Occupancy/Completion for the use being served. Bicycle parking shall consist of short-term bicycle parking and may include long-term bicycle parking.
- (2) Short-term bicycle parking is generally intended to be used for less than two (2) hours. Typical uses include visitors and customers of retail, restaurants, or medical offices. Short-term bicycle parking may include outdoor bicycle parking spaces and bicycle racks not protected from the weather. Short-term bicycle parking is required for all uses listed in Table 13.11.1.
- (3) Long-term bicycle parking is encouraged for all uses. Long-term bicycle parking is generally intended for use for four (4) or more hours. Typical users include residents and employees. Long-

term bicycle parking shall be in a format intended to provide security for longer term usage such as bicycle lockers, restricted access cages or rooms, or continuously monitored indoor spaces. Areas provided inside of office buildings for employees and visitors may count as long-term bicycle parking.

- (4) Covered bicycle parking is encouraged wherever the design of the building or use being served by the bicycle parking facility includes a covered area that could accommodate such facilities either as proposed or through economical redesign.

- (D) **Number of Spaces Required.** The minimum number of bicycle parking spaces required is shown in Table 13.11.1. When the calculation of the number of required bicycle parking spaces results in a fractional number of spaces, any fraction up to and including 0.5 shall be disregarded, and any fraction over 0.5 shall require one bicycle parking space.

**TABLE 13.11.14. MINIMUM NUMBER OF BICYCLE PARKING SPACES REQUIRED**

The following uses shall be required to provide bicycle parking spaces in the amounts listed:

Land Use	Required Bicycle Parking
Multifamily	1/10 DU
Office (including Medical Office)	4 + 1/2,000 sf GFA
Retail including personal services	4 + 1/5,000 sf GFA
Convenience Store	1/400 sf GFA
Theater	2/theater + 1/10 employees
Restaurant	1/500 sf GFA
Micro-breweries/distilleries/wineries	1/500 sf GFA
Middle and Elementary School	12/classroom
High School	7/classroom
Day Care	4 + 1/10 employees + 1/10,000 sf GFA of assembly space
Library	1/1,000 sf GFA
Assembly Use	4 + 1/7,500 sf GFA
Warehouse/Storage	4 + 1/50,000 sf GFA
Hospital	8 + 1/25,000 sf GFA
Hotel/Motel	1/30 rooms + 1/25,000 sf of ballroom/function area
Health/Fitness/Sports Club	4 + 1/10,000 sf GFA + 1/10 employees

Notes:

1. sf = square feet
2. GFA = gross floor area
3. Visitor spaces for assembly and entertainment uses typically host visitors for between 2 and 4 hours constituting an intermediate between short-term and long-term parking. For these uses design variations may be approved by the City which increase security, improve weather protection, and provide reasonable wayfinding.

**(E) Location.**

- (1) Short-term spaces shall be located within 100 feet of the main entrance and closer than the nearest non-ADA spot to the building as measured along the most direct pedestrian route. For a building with more than one entrance, the bicycle parking shall be distributed along all façades with a main entrance and located within 100 feet of at least one main entrance, as measured along the most direct pedestrian access route. When more than 6 spaces are required per entrance, additional parking may be provided at a secondary location, such as a parking garage, not more than 200 feet from the principal entrance with directional signage indicating its location.

- (2) Bicycle parking located within a parking garage shall be located within 50 feet of a pedestrian access point which includes an elevator or first floor sidewalk connection. If the bicycle parking is located within an enclosed room within the parking structure, the distance requirement to an elevator or pedestrian entrance is no more than 200 feet.
- (3) Long-term bicycle parking shall be located on the same building site as the use being served. All long-term bicycle parking spaces shall be located within 200 feet of the principal entrance to the building or within the building itself.

(F) **Design.**

- (1) All bicycle parking spaces shall comply with the following standards:
  - (a) Minimum rack height: 36 inches
  - (b) Minimum tube diameter: 1.9 inches
  - (c) Type: Users should be able to lock the frame and both wheels
  - (d) Function: supports a bicycle frame at 2 points above the wheel hubs
  - (e) Simplicity: easy to understand and use, and with no moving parts (except long-term spaces).
  - (f) Operation: usable without lifting the bicycle onto the device (applies to short-term bicycle parking only)
  - (g) Capacity: Designed to accommodate 2 bicycle spaces per rack
  - (h) Finish: powder coated or other weather-proof surface, as approved by the Land Use Administrator, or designee
  - (i) Style: The inverted "U" style bicycle rack that can hold two bicycles is the preferred type of rack (also known as a "staple", "hoop", or "U" rack), shown in Figure 13.11.1. Bicycle racks that are prohibited in the City of Oviedo are the wave, comb, schoolyard, coat hanger, wheel well, and bollard style as defined in the Association of Pedestrian and Bicycle Professionals', Essentials of Bike Parking, Rev. 1, 2015.
  - (j) **Alternative bicycle rack design.** Alternative bicycle parking rack designs may be approved by the land use administrator.

**Figure 13.11.1:** Examples of a standard bicycle rack intended to park two bicycles.

**INVERTED U**  
also called  
staple, loop

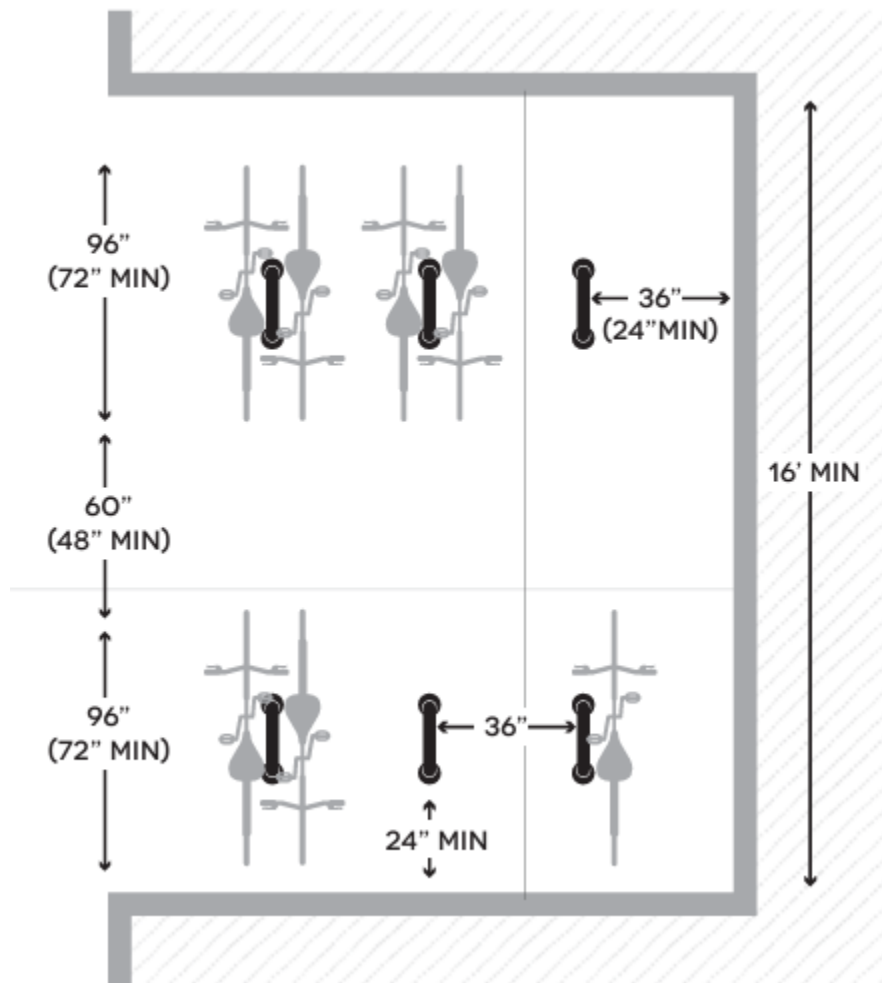


Note: CC-BY-NC American Association of Pedestrian and Bicycle Professionals

- (2) All bicycle racks shall be installed consistent with the following dimensional standards:
  - (a) Accessibility: accessible to users without climbing or descending stairs
  - (b) Safety: Separated from vehicular parking spaces by physical barriers, such as curbs, wheel stops, bollards, or other similar features

- (c) Construction: Anchored so that they cannot be easily removed
- (d) Dimensional requirements: Bicycle racks shall be installed with the minimum distances as shown in Figure 13.11.2.

**Figure 13.11.2: Plan view of installed standard bicycle racks including minimum and preferred dimensions.**



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# Article XIV: Signs

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## SECTION 14.1 – LEGISLATIVE FINDINGS AND DETERMINATIONS

The City Council of the City of Oviedo finds and determines as follows:

- (A) The City of Oviedo has complied with all requirements and procedures of Florida law in processing and advertising this article.
- (B) This article is an exercise of the City of Oviedo's powers as a municipality under the provisions of Article VIII, Section 2 of the Constitution of the State of Florida; Chapter 163, Florida Statutes; Chapter 166, Florida Statutes, and other applicable law.

## SECTION 14.2 – SHORT TITLE

This article shall be known and may be cited as the "City of Oviedo Sign Ordinance" or the "City of Oviedo Sign Code."

## SECTION 14.3 – DEFINITIONS AND INTERPRETATIONS

- (A) The definitions set forth in Article XVIII shall be used in the interpretation and application of this article. Terms that are not defined shall be given their meaning as otherwise defined in this Land Development Code or in pertinent statutory law of the State of Florida. Unless specifically defined below or in the specific provision in which they appear in this Land Development Code, words and phrases shall be interpreted so as to give them the meaning they have in common usage and in such manner so as to provide these regulations their most reasonable application. One (1) or more concepts or things may be referred to by different names throughout this Land Development Code. It should not be assumed that because one concept or thing may have different names that it is a separate concept or thing unless that is the most reasonable interpretation.
- (B) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (C) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (D) The words "shall" or "must" are mandatory; the word "may" is permissive.
- (E) The word "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied."
- (F) The word "structure" includes the word "building" and vice versa, as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground.

## SECTION 14.4 – PURPOSE AND INTENT

The purpose and intent of this article are as follows:

- (A) To preserve, protect and promote the public health, safety, welfare and general aesthetic quality of the City by reducing the adverse effects of signs and displays on highway safety, building safety and property value.
- (B) To enhance the economy, business and industry in the City by promoting the reasonable, orderly and effective display of signs.
- (C) To protect pedestrians and motorists from damage or injury caused by distractions, obstructions and hazards created by signs.
- (D) To preserve the value of private property by assuring the compatibility of signs with surrounding land uses.
- (E) Prevent sign overload and excessively large signs which create visual chaos.
- (F) To establish regulations for the fabrication, erection and use of signs and other outdoor advertising displays within the City consistent with constitutional guarantees.

- (G) To ensure that private property rights are protected both in terms of being authorized to place signs on their property in accordance with sound and generally accepted planning and land use practices and principles and in terms of ensuring that others do not place signs on their property without their consent.

## SECTION 14.5 – SIGN PERMITS

- (A) **Permit Required.** It is prohibited and unlawful for any person to erect, construct, alter, display, locate, or relocate within the City, any sign without having first obtained a permit therefore, except as provided for in this article.
- (B) **Public Right-of-Way Signs/Banner Structures on Utility Poles.** The Land Use Administrator may delegate internal permitting authority to the City department director, or designee, whose department supervises and administers activities relative to signs erected by the City where the sign is erected and related to traffic direction or other governmental matters. Only City signature special events and City-sponsored special events as approved by resolution of the City Council may use banner structures installed on utility poles and such permitting shall be subject to the provisions of this subsection. Such signs displayed on individual utility or communication poles that contain City-authorized hanging devices shall not exceed sixteen (16) square feet in area. The signs referenced in this subsection and Section 14.5(C) are the only signs permitted within the City's right-of-way; provided, however, that candidates or others may hold free speech signs in a manner that is consistent with public safety on sidewalks.
- (C) **Temporary Sign Permitting/Municipal Purposes.** The Land Use Administrator may delegate internal permitting authority to the City department director, or designee, whose department installs temporary signs relating to municipal public purposes on City-owned property when installed to assist the public in locating or attending City-sponsored programs or events. The signs referenced in this subsection and subsection (b) are the only signs permitted within the City's right-of-way; provided, however, that candidates or others holding free speech signs in a manner that is consistent with public safety or sidewalks or other right-of-way.
- (D) **Work to be Performed by Owner, Lessee or Licensed Contractor.** The erection or alteration of all signs requiring permits under this article shall be accomplished by the property owner, the owner's agent to include, but not be limited to, an appropriately-licensed contractor or a lessee. In no event will the City permit a sign without authority being evidenced by the owner of the property on which the sign is proposed to be located.
- (E) **Application for Permit.** All applications for permits under this section shall be made by owner of the property where the sign is to be located or owner's agent to include, but not be limited to, an appropriately-licensed contractor or lessee. Failure to provide all of the required information in the sign permit application shall constitute an insufficient application which shall not be reviewed until all of the required information has been submitted.
- (F) **Issuance of Permit.** Upon receipt of sufficient application for a sign permit, the Land Use Administrator, or designee, 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 article and all other applicable laws and codes of the City, a sign permit shall be issued within thirty (30) days after receipt of the sufficient application and applicable fees. The City shall advise the applicant of the need for revisions, approval, or denial of the permit application within thirty (30) days of the submittal of the application.
- (G) **Sign Planning for Occupants.** The burden of responsibility to provide space on the freestanding sign for each occupancy of the premises shall remain with the owner of the premises.
- (H) **Permit Fees.** Permit fees under this article shall be established by resolution of the City Council.

## SECTION 14.6 – GENERAL PROVISIONS

- (A) **Exempt Signs.** Warning signs less than six (6) square feet in area, signs required by Federal or State law, exempt signs listed in Section 479.16, Florida Statutes, signs on bus benches or bus shelters in connection with public transportation, and commemorative plaques are exempted from the permitting requirements of this article but shall comply with the other provisions hereof, meet applicable construction and other requirements and obtain electrical permits if applicable.
- (B) **Prohibited Signs.** It is prohibited and unlawful to erect, construct, alter, display, locate, relocate or maintain within the City any attention-getting device or sign described as follows:
- (1) **Traffic or Pedestrian Hazards.** Any sign which obstructs the line of sight between pedestrians and vehicles using the public right-of-way including, but not limited to, signs not meeting applicable line of sight standards and signs using:
    - (a) Flashing lights;
    - (b) Bare bulbs;
    - (c) Mobile billboards when parked and displayed as a sign.
  - (2) Attention-getting devices and signs attached to trees, traffic or parking control devices including, but not limited to, stop signs, speed limit signs, parking signs, or attached to utility poles whether on private property or the public right-of-way.
  - (3) Humans and animals holding signs or wearing signs and commercial mascots except when on private property and permitted as an attention getting device or as part of a temporary sales event or special event.
  - (4) Signs attached to or painted on motor vehicles where the motor vehicle is not operable or is not regularly used as a motor vehicle as part of the activity located on the premises, even if used by the business owner for personal use.
  - (5) Any sign in the public right-of-way, except as specifically authorized in this article.
  - (6) Signs made of combustible materials that are attached to or in close proximity to fire escapes or firefighting equipment.
  - (7) Off-site signs, except as specifically authorized in this article.
  - (8) Discontinued signs.
  - (9) Parasite signs.
  - (10) Vehicles which are identified as "for sale" parked in public rights-of-way or on any lot or premises not licensed, approved and authorized for the sale of vehicles.
  - (11) A sign located in a parking space except when approved as part of a temporary sales event or a special event regardless of the nature of the special event and regardless of content.
  - (12) A sign which is placed on property without the written consent of the respective property owner.
  - (13) Signs projecting or displaying three-dimensional or holographic images.
  - (14) Snipe signs.
  - (15) Roof signs.
  - (16) Pole signs.
  - (17) Any other signs that are not expressly permitted or allowed by this article.
- (C) **Setbacks.** The setbacks for signs specified in this article shall be measured horizontally from the vertical plane of the property line or public right-of-way line to the closest point of the sign.

- (D) **Construction and Maintenance Standards.** All signs, regardless as to whether permanent or temporary, shall be constructed and maintained in accordance with the following standards:
- (1) **Code Compliance.** All signs shall be constructed and maintained in accordance with the provisions and requirements of the Florida Building Code, if a building permit was required, and all other applicable codes, ordinances and requirements.
  - (2) **Structure.** Signs shall be maintained in a vertical position, unless originally permitted otherwise, and in a good and safe condition at all times. The structural integrity of signs shall be maintained at all times. Signs that are dilapidated shall be removed, repaired or replaced.
  - (3) **Damage.** Damaged faces or structural members shall be replaced or repaired upon such condition occurring. If notification of the condition is received from the City, such replacement or repair shall occur within the time requirements established by the City. If signs that do not contain structural members are damaged, or weatherworn, as determined by the special magistrate, they shall be replaced, repaired or removed immediately. It shall be a condition of every temporary sign permit, regardless as to whether formally permitted or not, that, should a sign become a hazard of any type to the public, as determined by the special magistrate, the City shall have the right, but not the obligation, to enter upon the premises on which such sign is located and remove the sign.
  - (4) **Safety.** Electrical systems, fasteners and the sign and structure as a whole shall be maintained at all times in a safe condition as determined by the City. It shall be a condition of every temporary sign permit, regardless as to whether formally permitted or not, that, should a sign become a hazard of any type to the public, as determined by the City, the City shall have the right, but not the obligation, to enter upon the premises on which such sign is located and remove the sign.
  - (5) **Exterior Finishes.** Sign posts, frames and stanchions shall be finished. Concrete shall be finished with stucco and painted, or finished in an equivalent decorative texture and color. Wood shall be painted or stained to a uniform finish. Metal shall be finished in powder coating, paint or brushed textured. Brick or stone are the preferred materials for construction of the base and framework for freestanding signs.
- (E) **Payment of Local Business Tax.** The payment of the City's local business tax shall be rebuttable evidence of an individual occupancy.
- (F) **Noncommercial Speech.** Any sign, allowed by either a permit or as a matter of right, whether an on-site sign or an off-site sign, may contain noncommercial speech in lieu of any other type of speech.

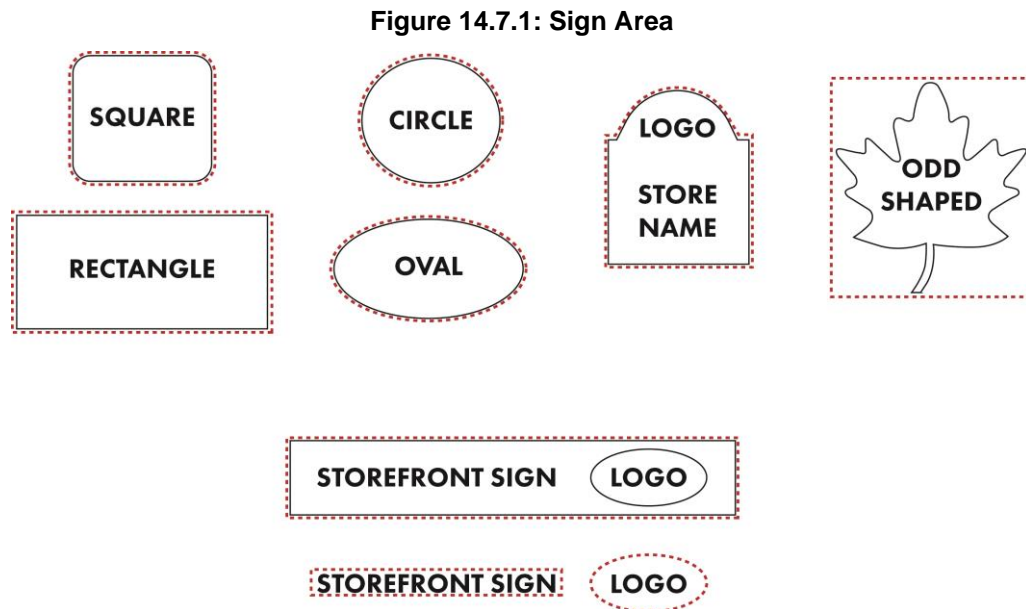
## SECTION 14.7 – DESIGN STANDARDS

- (A) **Design Standards.** All signs regardless of type or zoning district shall meet the following standards:
- (1) **Composition.** A sign is defined in Article XVIII.
    - (a) In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign.
    - (b) In the case of a permanent sign made of any fabric or other non-rigid material, the sign shall conform to each specification for such signs found elsewhere in this article of this LDC and the Florida Building Code.
  - (2) **Master Sign Plan.** A Master Land Use Plan shall include a Master Sign Plan.
- (B) **Sign Area Calculation.** The total sign area shall include the background and frame, but not structural supporting elements outside of the 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, oval, circle, or combination thereof which will include the display, as depicted in Figure 14.7.1. General guidelines to consider when calculating sign area include:
- (1) **Sign Background.** The sign background shall include the area behind the lettering on a freestanding sign or wall sign. Color, texture and/or materials used on the sign background, if different from the color, texture and/or materials used on the building exterior shall be limited to the



sign area. When signs are enclosed in a border or highlighted by background graphics, the perimeter of the border or background will be used to compute area. Such background shall not include architectural elements unless approved by an Architectural Design Order.

- (2) **Exemptions.** Architectural Detail and Artwork are not considered signs and shall not be included in the calculation of sign area. Directional signs shall not count towards the total sign area.



**Figure 14.7.2: Sign Background**



- (3) **Double-Faced Signs.** For double-faced signs, only the area of one (1) side of the sign shall be counted, provided that both sides are equal in size and height and contained within a common perimeter. If the sides are not equal in size, the maximum square footage of surfaces visible from any single point shall be used for computing sign area including the back of the sign face, if visible. A double-faced sign with an internal angle of thirty (30) degrees or less between the sign faces shall only be counted as one (1) sign.
- (4) **Management Control - Multi-story Developments.** For projects containing two (2) or more stories and multiple tenant/owner spaces, all signs shall be in conformance with an approved Master Sign

Plan. To ensure compliance, a letter of authorization from an owner association or management company is required to be submitted with the building permit application.

## SECTION 14.8 – PERMANENT SIGNS

### (A) General Standards.

- (1) **ROW Encroachment.** No part of any sign shall extend beyond any building restriction line or encroach into the public right-of-way.

### (B) Multiple Frontage Properties.

- (1) On corner or through lots, freestanding signs are permissible for the secondary frontage under the same regulatory provisions that govern the primary frontage, except as otherwise specified. Sign area allowed shall be based on the following:

TABLE 14.8.1: SIGNAGE FOR SECONDARY FRONTAGE	
Secondary Frontage Classification	Percent of Primary Frontage Sign Area
Arterial	100%
Collector	100%
Other	25%

- (a) All setbacks and spacing requirements shall be measured around corners at the public right-of-way line. Sign area shall not be transferred between frontages.
- (b) Only one (1) freestanding sign is permissible within seventy-five (75) feet of intersections and may be of maximum size based on the largest frontage.
- (c) Multiple-frontage property which abuts streets with different sign standards shall be subject to the most stringent regulation.
- (C) **Intent.** Any sign with an intended use in excess of twelve (12) months from the date of installation shall be deemed a permanent sign unless otherwise indicated elsewhere in this LDC or in a development order or development permit. Total sign area is inclusive of all building signs. Freestanding signs are calculated separately.
- (D) **Building Sign Standards.**

- (1) Building signs include: Wall signs, hanging/blade signs, canopy/awning signs, projecting signs, marquee signs, and non-electronic changeable copy signs. Table 14.8.2 lists the building sign standards.
- (2) Building frontage of properties along limited access highways does not count as either primary or secondary frontage for the purpose of calculating the maximum allowable sign area.

TABLE 14.8.2 BUILDING SIGN STANDARDS	
Zoning <sup>1</sup> / Use	Total Sign Area <sup>2</sup>
C-1, C-2, CA, DC, GW, MHC, MP, MU, I, PLI, and A.	2.5 sq. ft. for each linear foot of building frontage, not to exceed 200 sq ft. <sup>3, 4</sup>
O-C, R-3, R-P, and DN.	1.5 sq. ft. of sign area for each linear foot of building frontage, not to exceed 150 sq ft. <sup>3, 4</sup>

Shopping Centers, Industrial Parks, Office Parks.	Individual occupancies may be permitted 2.5 sq. ft. for each linear foot of tenant space, not to exceed 200 sq. ft. <sup>3, 4</sup>
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<sup>1</sup> PUD building sign standards shall be addressed in the development agreement.

<sup>2</sup> Parking garages shall not be counted as building frontage toward the maximum allowable sign area for other uses except for any portion of the ground floor that contains a non-parking use. Signage for the parking garage is provided in Section 14.9(A), Parking Garage Signs.

<sup>3</sup> In the case of corner occupancies, one (1) additional wall sign may be allowed only where the same or similar façade treatments are used on both the front and side façades, a total sign area of two (2) square feet is allowed for each linear foot of building frontage for the secondary frontage not to exceed two hundred (200) square feet.

<sup>4</sup> Refer to (E)(4) for Projecting Sign standards.

**(E) Types of Allowable Building Signs.**

- (1) **Awning/Canopy Sign.** An awning sign shall be permitted but shall count toward allowable sign area for the building. Awning signs may only be located on the first floor of a structure and provide a vertical clearance of nine (9) feet along pedestrian areas.



- (2) **Wall Sign.** Sign face shall be approximately parallel to the wall and perpendicular to the ground, projecting no more than twelve (12) inches from the wall. Parapets added to buildings for the purpose of attaching wall signs shall match the existing architecture of the rest of the building, be of the same thickness, and on the same plane as the wall to which it is added, and no more than six (6) feet above the roofline. Additions to a parapet for the purpose of signage cannot be braced back to the roof.



- (3) **Hanging/Blade Sign.** Hanging or blade signs shall be used only at ground floor locations. Hanging signs shall be small in scale and provide a vertical clearance of nine (9) feet along pedestrian areas. Hanging signs shall be oriented to pedestrians passing on the sidewalk in front of the buildings rather than to automobiles or pedestrians on the far side of the street. Each commercial business shall be permitted up to four (4) square feet of sign copy area to accommodate one hanging or blade sign at the pedestrian scale. Hanging/Blade signs cannot project more than four (4) feet from the wall.



- (4) **Projecting Sign.** A sign projecting perpendicularly from a main building façade that is visible from both sides above the ground floor. No projecting sign or supporting structure shall extend above the roof line. Projecting signs shall not project more than three (3) feet from the wall. Projecting signs shall not project more than three (3) feet from the wall. Only one (1) projecting sign per building side shall be permitted. Projecting signs shall count towards the maximum building sign area.



(F) **Freestanding Signs.**

Table 14.8.3 provides standards for freestanding signs. Additional details are provided below.

- (1) Freestanding signs include: business property signs, directional signs, directory signs, industrial park signs, office park signs, multifamily signs, and menu boards.
- (2) Maximum Number. The maximum number of freestanding signs on a development site shall not exceed one (1) per street frontage except that a development site with over four hundred (400) feet of frontage on an individual right-of-way shall be permitted a maximum of two (2) freestanding signs. Note that directional signs are not counted towards this provision.
- (3) Setbacks. See Table 14.8.3.
- (4) Visibility. No freestanding sign shall extend or be located within street corner visibility areas, in accordance with the standards in the Florida Greenbook.
- (5) Maximum Height and Size. See Table 14.8.3.

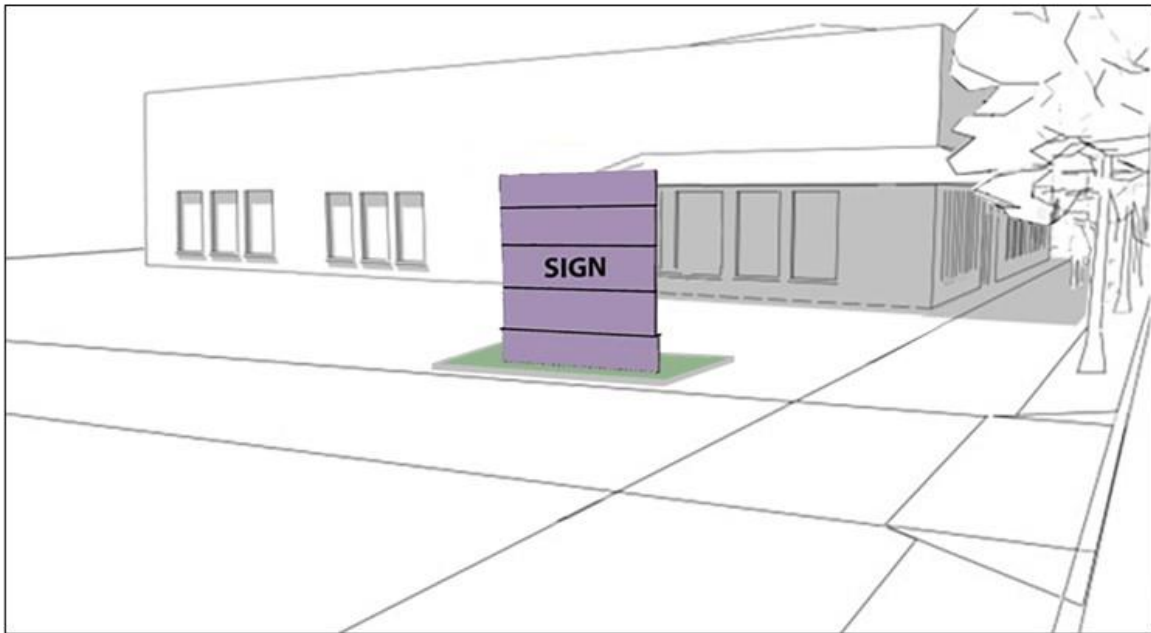


**TABLE 14.8.3: FREESTANDING SIGN STANDARDS**

(a) **Business Property Signs.** Free-standing signs for shopping centers and single-tenant retail and office businesses shall comply with the following standards:

Gross Floor Area (GFA) (sq. ft.)	Maximum Area	Maximum Height (ft.)	Minimum Setback (ft.) *	Minimum Length of Base (%)	Minimum Landscaped Area (sq. ft.)
Up to 35,000	40 sq. ft.	8	Front: 10 Side: 15 or equidistant from side lot lines	60% of Length of Sign Face	Equal in size to the maximum sign area for the proposed use
35,001 to 75,000	5 sq. ft plus 1 sq. ft per 1,000 sq. ft of GFA	12	Front: 10 Side: 15 or equidistant from side lot lines	60% of Length of Sign Face	Equal in size to the maximum sign area for the proposed use
75,001 or more	80 sq. ft. plus 1/2 sq. ft. per 1,000 sq. ft. of GFA	14	Front: 10 Side: 15 or equidistant from side lot lines	60% of Length of Sign Face	Equal in size to the maximum sign area for the proposed use

If multiple signs are provided on a single parcel, they shall be distanced from each other by a minimum of 75 ft.

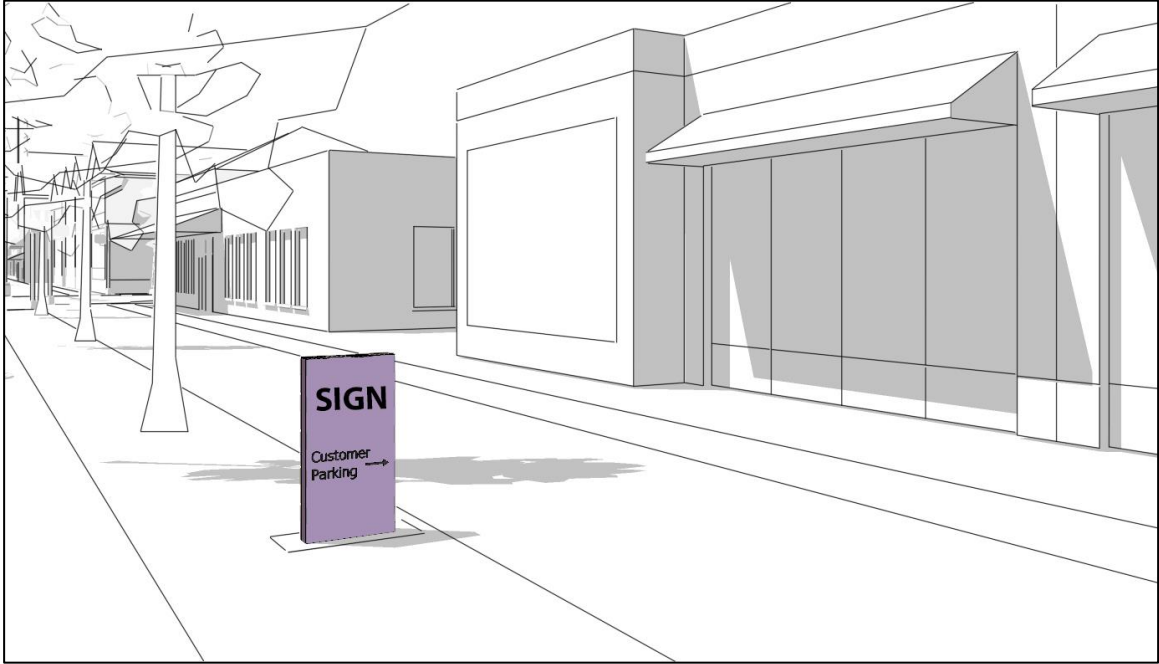


**(1) Changeable Copy Signs.**

- (i) A maximum of twenty (20) percent of the total permitted sign area of a freestanding sign may be used for a changeable copy sign.
- (ii) Changeable electronic variable message signs may be used as a changeable copy sign.
- (iii) Changeable electronic variable message signs shall not be permitted as temporary signs.
- (iv) Changeable electronic variable message signs shall not be configured such that the sign face faces property which is used for a residential purpose.
- (v) Each message on a changeable electronic variable message sign shall be displayed for at least four (4) seconds.
- (vi) Each changeable electronic variable message sign shall include an automatic dimmer control mechanism in order to produce distinct illumination change from a higher illumination level to a lower level meeting the below illumination standards for the time period between one-half ( $\frac{1}{2}$ ) hour before sunset and one-half ( $\frac{1}{2}$ ) hour after sunrise.
- (vii) The owner of a changeable electronic variable message sign shall provide on the sign contact information for a person who is available to be contacted at any time and who is able to turn off the changeable electronic variable message sign promptly after a malfunction occurs or as required for public safety purposes. The contact information shall be legible from the ground.
- (viii) If the City determines that a changeable electronic variable message has malfunctioned or constitutes a danger to public safety, the owner of the sign shall, within twelve (12) hours of a request by the City, correct the circumstance or power off the sign.
- (ix) The City's lighting standards prohibiting light spillover and glare shall be applicable to changeable electronic variable message signs.

(b) <b>Directional Signs.</b> Shall comply with the following standards:			
Maximum Area (sq. ft.)	Maximum Height (ft.)	Minimum Front Setback (ft.)	Minimum Length of Base
3	3	3	60% of Length of Sign Face

Directional signs are limited to one (1) per access point or driveway intersection and a total of three (3) per development site.



(c) **Directory Signs.** Shall comply with the following standards:

Maximum Area (sq. ft.)	Maximum Height (ft.)	Minimum Front Setback (ft.)	Minimum Length of Base
30	6	10	60% of Length of Sign Face

Directory Signs may be used internally to the site.

The number of directory signs on a property is limited by the size of the development as follows:

- (1) Up to 15,000 sq. ft. – Maximum of 1 directory sign.
- (2) 15,001 – 35,000 sq. ft. – Maximum of 2 directory signs.
- (3) 35,001 – 75,000 sq. ft. – Maximum of 3 directory signs.
- (4) Over 75,000 sq. ft. – Maximum of 4 directory signs.



(d) **Industrial Park Entrance Sign.** One (1) freestanding sign is permissible for each public right-of-way entrance and shall comply with the following standards:

Maximum Area (sq. ft.)	Maximum Height (ft.)	Minimum Setback (ft.)	Minimum Length of Base (%)	Minimum Landscaped Area (sq. ft.)
64	12	10	60% of Length of Sign Face	64

(e) <b>Industrial Park Freestanding Individual Premise.</b> One (1) freestanding sign is permissible and shall comply with the following standards:				
Maximum Area (sq. ft.)	Maximum Height (ft.)	Minimum Setback (ft.)	Minimum Length of Base (%)	Minimum Landscaped Area (sq. ft.)
40	8	10	60% of Length of Sign Face	40

(f) <b>Office Park Entrance Sign.</b> One (1) freestanding sign is permissible for each public right-of-way entrance and shall comply with the following standards:				
Maximum Area (sq. ft.)	Maximum Height (ft.)	Minimum Setback (ft.)	Minimum Length of Base (%)	Minimum Landscaped Area (sq. ft.)
48	12	10	60% of Length of Sign Face	48

(g) <b>Office Park Freestanding Individual Premises.</b> One (1) freestanding sign is permissible and shall comply with the following standards:				
Maximum Area (sq. ft.)	Maximum Height (ft.)	Minimum Setback (ft.)	Minimum Length of Base (%)	Minimum Landscaped Area (sq. ft.)
8	4	10	60% of Length of Sign Face	8

(h) <b>Freestanding Multifamily Signs.</b> Multifamily signage shall comply with the following standards:					
Number of Dwelling Units	Maximum Area (sq. ft.)	Maximum Height of Freestanding Signs (ft.)	Maximum Number of Signs	Minimum Length of Base (%)	Minimum Landscaped Area (sq. ft.)
9 to 30 Dwelling Units	18	6	1	60%	18
31 to 100 Dwelling Units	36	8	2		36
101 to 300 Dwelling Units	54	10	3		54
Over 301 Dwelling Units and for any size sign greater than 54 sq. ft.	Requires approval of a Master Sign Plan.				
<b>Setbacks.</b> All multifamily freestanding signs shall be set back 10 ft. from all property boundaries. If the sign is located on a wall, the setback shall be the same as the setback for the wall.					
<b>Illumination.</b> Signs may be non-illuminated, or illuminated internally or externally.					

(i) <b>Menu Boards.</b> One (1) main menu board at the initial entrance of the drive-through is permissible and one (1) freestanding menu board is permissible per drive-through bay.		
Locations	Maximum Area (sq. ft.)	Maximum Height (ft.)
Main Menu Board at initial entrance of drive-through	32	8
Menu Board at each drive-through bay	20	6

## SECTION 14.9 – OTHER SPECIFIC SIGNS

### (A) **Parking Garage Signs.**

- (1) **Parking Garages.** Parking garages with at least two (2) levels of structured parking are permitted up to thirty-two (32) square feet of wall signage area per garage entrance. The wall signage can be any of the building signs mentioned in Section 14.8(D)(1).

### (B) **Subdivision Signs.**

- (1) **Primary Entrance Signs.** Permanent entry wall or ground-mounted signs are permissible and shall comply with the following standards:
- (a) Two (2) single-faced signs equal in size and located on each side of the entranceway wall with a maximum area of forty (40) square feet and maximum height of eight (8) feet; or
  - (b) One (1) double-faced sign facing perpendicular to the street with a maximum area of forty (40) square feet and maximum height of eight (8) feet.

- (c) The length of the base of any freestanding sign shall be no less than sixty (60) percent of the length of the sign face.
- (d) The minimum landscaped area shall be no less than forty (40) square feet.
- (2) **Internal Entrance Signs.** Permanent entry wall or ground-mounted signs are permissible and shall comply with the following standards:
  - (a) Two (2) single-faced signs equal in size and located on each side of the entranceway wall with a maximum area of twenty (20) square feet and maximum height of six (6) feet; or
  - (b) One (1) double-faced sign perpendicular to the street with a maximum area of twenty (20) square feet and maximum height of six (6) feet.
  - (c) The length of the base of any freestanding sign shall be no less than sixty (60) percent of the length of the sign face.
- (3) **Homeowners' Association Permanent Signs.** A homeowners' association may install, within a common area or an area in which an internal entrance sign is located, signs for the purposes of informing residents of the subdivision with regard to the operations, programs or projects of the homeowners' association and shall comply with the following standards:

Maximum Area (sq. ft.)	Maximum Height (ft.)	Minimum Front Setback (ft.)	Maximum Changeable Copy Area	Minimum Length of Base (%)
9	6	2	50% of the sign area	60% of Length of Sign Face

## SECTION 14.10 – TEMPORARY SIGNS

### (A) General Standards.

- (1) The maximum height for the freestanding sign(s) shall be measured from the grade of the land at the base of the sign to the highest point of the sign.
- (2) A temporary sign permit shall be required for each seventeen-day period, and each seventeen-day period shall not be consecutive to each other, unless otherwise permitted in this Section.
- (3) Temporary signs are prohibited from being attached to an existing sign, utility pole, tree, or vehicle.
- (4) Temporary signs shall not interfere with access, ingress, egress to and from a building.
- (5) A maximum of two (2) temporary signs may be displayed simultaneously on a single property.



TABLE 14.10.1 TEMPORARY SIGN PERMITTED DURATIONS	
Sign Type	Permitted Duration
New Occupancy, New Use (B)	45 Days
Grand Opening (B)(2)	45 Days
Temporary Sales Event (C)	17 Consecutive Days, once per quarter.
Attention Getting Devices (D)	17 Consecutive Days, once per quarter.
Residential Event (E)	17 Consecutive Days, once per quarter.
Real Estate (Individual Premise) (G)(1)	15 days following closure of sale or lease of the property.
Real Estate (Subdivision) (G)(2)	15 days following closure of sale or lease of the property.
Free Speech Signs (H)	Shall be removed within 5 days after the event or election has taken place.
Construction Signs (I)	May not be erected more than 60 days before the beginning of construction and removed prior to issuance of a Certificate of Occupancy.
A-Frame Signs (J)	During operational business hours.

**(B) New Occupancy, New Use.**

- (1) **Interim Signage.** A new occupancy, a new use, or any person, whose allowable freestanding or wall sign has not yet been erected, may utilize a temporary sign for a period of forty-five (45) days or until installation of the allowable freestanding or wall sign, whichever shall occur first.
- (2) **Grand Opening Signage.** A new occupancy, including those with permanent signage, may utilize a temporary grand opening sign one (1) time for a maximum of forty-five (45) consecutive days in conjunction with a grand opening. The grand opening sign may only be used in the event that the business engaged in the new occupancy has paid all local business taxes that are due to the City, as determined by the City, and only once upon the initial payment of the local business tax and, then, only within the period of sixty (60) days immediately following the date that the local business tax was initially paid.
- (3) Signs shall comply with the following standards:

TABLE 14.10.2: NEW OCCUPANCY, NEW USE AND GRAND OPENING TEMPORARY SIGN STANDARDS				
Zoning Districts	Sign Type	Maximum Area (sq. ft.)	Maximum Height (ft.)	Minimum Front Setback (ft.) <sup>1</sup>
O-C, C-1, C-2, PLI, I, MU, and non-residential uses in the A, R-P, DN, DC, CA, GW, MP, MHC, PUD and MU	Freestanding	32	8	10
	Wall	32	N/A	N/A

<sup>1</sup> For the Target Areas the minimum setback is three (3) feet.

- (4) It is prohibited and unlawful for a sign to interfere with access, ingress and egress to and from the building.

(C) **Temporary Sales Events.** For uses such as: special events and outdoor sales event.

(1) **Freestanding Signs.**

(a) A bona fide tenant may install one (1) freestanding sign on-site on each street frontage for a maximum of seventeen (17) consecutive days one (1) time per calendar quarter. If the building's tenant changes, the new tenant may also install one (1) freestanding sign for a maximum of seventeen (17) consecutive days one (1) time per calendar quarter.

(b) The freestanding sign(s) shall comply with the following standards:

<b>TABLE 14.10.3: TEMPORARY FREESTANDING SALES EVENT SIGN STANDARDS</b>				
Zoning Districts	Maximum Area (sq. ft.)	Maximum Height (ft.)	Minimum Front Setback (ft.)	Minimum Side Setback (ft.)
O-C, C-1, C-2, I, MU, and PLI zoning districts, and for non-residential uses within the A, R-P, MHC, DN and PUD	32	8	10	10
CA, DC, GW, and MP	24	8	3	5

(c) Signs shall be located on-site.

(d) Such signs shall not be illuminated.

(e) No permit shall be required for signs six (6) square feet or less.

(2) **Wall Signs.**

(a) A bona fide tenant may install one (1) wall sign for a maximum of seventeen (17) consecutive days one (1) time per calendar quarter. If the building's tenant changes, the new tenant may also install one (1) wall sign for a maximum of seventeen (17) consecutive days one (1) time per calendar quarter.

(b) The maximum sign area shall be one (1) square foot per building front foot not to exceed thirty-two (32) square feet.

(D) **Attention-Getting Devices.** Attention-getting devices are permissible and shall comply with the following standards:

(1) Each bona fide tenant of a premises may install one (1) attention-getting device on-site for a maximum of seventeen (17) consecutive days one (1) time per calendar quarter. If a unit's tenant changes, the new tenant may also install one (1) attention-getting device for a maximum of seventeen (17) consecutive days one (1) time per calendar quarter. A temporary sign permit shall be required for each seventeen-day period, and each seventeen-day period shall not be consecutive to each other.

(2) Attention-getting devices include, but are not limited to, the following devices:

(a) Blade signs/feather signs

(b) Balloons or inflatables

(c) Streamers/pennants/banners

(d) Commercial mascot or humans holding/wearing signs.

(3) Flags of a nation, state or city are not deemed as attention-getting devices.

(4) Attention-getting devices shall comply with the following standards:

TABLE 14.10.4: ATTENTION-GETTING DEVICE STANDARDS				
Zoning Districts	Maximum Area (sq. ft.)	Maximum Height (ft.)	Minimum Front Setback (ft.)	Minimum Side Setback (ft.)
O-C, C-1, C-2, PLI, I, R-P, MU, GW, MP, MHC, and PUD	32	35	10	25 or equidistant from side lot lines

(5) Any electrical connection cord shall not cross any driveway, walkway, parking lot, traffic area or drainage area. Use of multiple electrical cord connections is prohibited and unlawful.

(6) Attention-getting devices shall be used on-site only.

(7) It is prohibited and unlawful for attention-getting devices to be placed in a parking space.

(8) Attention-Getting Devices are not permitted in the Downtown Neighborhood (DN), Central Avenue (CA), or Downtown Core (DC) zoning districts.

(E) **Residential Events.** Signage for residential open houses, garage sales, yard sales, estate sales, and other commercial residential events shall be allowed and comply with the following standards:

(1) Signage may be installed for a maximum of seventeen (17) consecutive days one (1) time per calendar quarter. If a property's ownership changes, the new owner may also install signage for a maximum of seventeen (17) consecutive days one (1) time per calendar quarter.

(2) Each seventeen-day period shall not be consecutive to each other.

(3) A temporary sign permit shall authorize the installation of a maximum one (1) on-site freestanding sign and two (2) off-site directional signs. Off-site directional signs shall be placed on private property.

(4) The burden and responsibility for obtaining property owner permission for the placement of permissible off-site signs shall be upon the applicant. In no event will the City permit a sign without authority being evidenced by the owner of the property on which the sign is proposed to be located.

(5) A City-issued sticker depicting, at a minimum, the permit number and expiration date will be affixed to each permitted sign. On-site and off-site directional signs shall comply with the standards in Table 14.10.5.

(F) **Homeowners' Association Event Temporary Signs.**

(1) A homeowners' association may install or place one (1) sign at each primary entrance, with the issuance of a permit, and twenty-five (25) signs throughout the neighborhood for the purposes of providing notice of community garage sales and shall comply with Table 14.10.5.

TABLE 14.10.5: RESIDENTIAL/HOMEOWNERS' ASSOCIATION EVENT TEMPORARY SIGNS			
Number of signs	Maximum Area (sq. ft.)	Maximum Height (ft.)	Minimum Front Setback (ft.)
1 at each primary entrance	32	8	2
25 signs	6	3	1

**(G) Real Estate Signs.**

**(1) Individual Premises.**

- (a) One (1) non-illuminated freestanding sign is permissible on the site which is for sale and shall comply with Table 14.10.6.

<b>TABLE 14.10.6: INDIVIDUAL PREMISES REAL ESTATE SIGN STANDARDS</b>			
Use Type	Maximum Area (sq. ft.)	Minimum Setbacks (ft.)	Maximum Height (ft.)
Residential uses in any permissible zoning district	6	Front: 10 Side: 25 or equidistant between side property lines	4
Non-residential uses and multifamily in any permissible zoning district	32	Front: 10 Side: 25 or equidistant between side property lines	8

- (b) Signs six (6) square feet or less shall not require the issuance of a sign permit by the City provided that they are otherwise lawful and permissible under this LDC.
- (c) Signs shall be removed within fifteen (15) days following the closure of the sale or lease of the property.

**(2) Subdivisions.**

- (e) One (1) non-illuminated entry wall or ground-mounted sign is permissible at each primary entrance to a subdivision and shall comply with the following standards:

<b>TABLE 14.10.7: SUBDIVISION REAL ESTATE SIGN STANDARDS</b>			
Subdivision Entrance	Maximum Area (sq. ft.)	Minimum Front Setback (ft.)	Maximum Height (ft.)
Primary	32	2	8
Internal	6	2	4

- (f) Signs six (6) square feet or less shall not require the issuance of a sign permit by the City provided that they are otherwise lawful and permissible under this LDC.
- (g) Signs shall be removed within fifteen (15) days following the closure of the sale of the final property.

**(H) Free Speech Signs.**

- (1) Free speech signs shall not contain any commercial message that directs attention to a business operated for profit, or to a commodity or service for sale. Free speech signs which advertise an event, including but not limited to, a residential event, homeowner's association event, or a political campaign, shall be temporary and removed within five (5) days after the event has taken place.
- (2) All free speech signs shall be located on private property and shall not be located on public property or the public right-of-way; provided, however, notwithstanding the provision of Subsection 14.3(B)(4), that persons supporting candidates or issues may carry and display signs on public sidewalks consistent with the public safety.

- (3) The erection and removal of all free speech signs shall be the joint responsibility of the owner of the property upon which the sign is placed, or the owner of such sign, and the candidate for whom such sign was placed.

- (4) Free speech signs shall comply with the following standards:

<b>TABLE 14.10.8: FREE SPEECH SIGNS STANDARDS</b>			
Use Type	Maximum Area (sq. ft.)	Maximum Height (ft.)	Minimum Setbacks (ft.)
Residential uses in any permissible zoning district	6	4	Front: 2 Side: 5
Non-residential uses and multifamily in any permissible zoning district	6	5	Front: 2 Side: 5
	>6 up to 32	8	Front: 10 Side: 25

- (5) Free speech signs with a sign area of six (6) square feet or less shall not require the issuance of a sign permit by the City.
- (6) Free speech signs which do not advertise for an event shall not be subject to any time limitations. Free speech signs shall not contain any commercial message that directs attention to a business operated for profit, or to a commodity or service for sale.

**(I) Construction Signs.**

- (1) One (1) construction sign per construction project is permissible and shall comply with the following standards:

<b>TABLE 14.10.9: CONSTRUCTION SIGN STANDARDS.</b>				
Use Type	Development	Maximum Area (sq. ft.)	Maximum Height (ft.)	Minimum Setbacks (ft.) <sup>1</sup>
Residential uses in any permissible zoning district	Individual Premises	6	4	Front: 2 Side: 5
	Subdivision/Multifamily	32	8	Front: 10 Side: 25
	Special Exception	32	8	Front: 10 Side: 10
Non-residential uses in any permissible zoning district	All	32	8	Front: 10 Side: 25

<sup>1</sup> For the Target Areas the minimum setback is three (3) feet.

- (2) Construction signs may not be erected more than sixty (60) days prior to beginning of construction or site work if the construction activity is otherwise lawful and permissible under this LDC.
- (3) Construction signs shall be removed prior to issuance of a certificate of occupancy and proof of removal shall be provided to the City at the time that a request is submitted to the City for the certificate of occupancy.

- (4) Construction signs with a sign area of six (6) square feet or less shall not require the issuance of a sign permit by the City if the construction activity is otherwise lawful and permissible under this LDC.
- (5) It is the obligation of contractors to place construction signs at the appropriate location during the course and time period when construction activities are occurring on the property.
- (J) **A-Frame Signs.** One (1) "A-frame" sign, per tenant, is permissible and exempt from permitting requirement provided that such signs are only placed or displayed during business operating hours; are only located on premises within two (2) feet of the front wall or window of the business; do not obstruct sidewalks, walkways, pathways, driveways or parking spaces per ADA requirements; and comply with the following standards:

TABLE 14.10.10: "A-FRAME" SIGN STANDARDS		
Use Type	Maximum Area (sq. ft.)	Maximum Height (ft.)
Non-residential uses in any permissible zoning district	6	3

## SECTION 14.11 – NON-CONFORMING SIGNS

- (A) **Removal of Non-Conforming Signs.** Non-conforming signs are hereby declared to be incompatible with the intent of this article and not in the public interest. All non-conforming signs, except as provided herein, shall be removed upon notification of the owner by the City.
- (B) **Continuance of Non-Conformities.** It is the intent of this section to allow non-conforming signs which were lawful on the effective date of this article to continue to exist until they become a discontinued sign, or become hazardous. A non-conforming sign may continue to exist, subject to the following provisions:
- (1) A non-conforming sign shall not be enlarged or increased in any way from its lawful size as of the effective date of this LDC.
  - (2) Non-conforming signs or sign structures that are discontinued shall not be allowed for reuse.
  - (3) There may be a change of tenancy or ownership of a non-conforming sign without the loss of lawful non-conforming status.
- (C) **Repairs, Maintenance, and Improvements.**
- (1) Normal repairs, maintenance and improvements may be made; provided, however, that the cost of such work shall not exceed twenty-five (25) percent of the replacement cost of the sign, including the sign structure.
  - (2) Any non-conforming sign which is damaged or destroyed by an act of nature, or otherwise, to the extent that the cost of repairing said sign exceeds fifty (50) percent of the depreciated value of the sign, including the sign structure on the date of damage or destruction, shall not be reestablished and no permit shall be issued for such work.
  - (3) The "cost" of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.
- (D) **Temporary or Illegal Use.** The 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. Placement of a sign not in compliance with the requirements of this LDC will not create any vested rights.

## SECTION 14.12 – ENFORCEMENT

- (A) **Removal of Prohibited Signs.**
- (1) Prohibited signs and signs erected without a permit shall be removed by the owner, owner's agent or person in charge of the premises after notification from the City.
  - (2) Prohibited signs on public property or public rights-of-way shall be removed immediately upon notification by the City and may be removed by the City, using its own forces, without notice. Such signs shall be deemed to be contraband and shall be subject to destruction or other means of disposal at the City's discretion. The costs of removal of unlawful signs may be assessed by the City against the person or entity placing such signs on public property or public rights-of-way.
  - (3) Discontinued signs shall be removed by the owner, owner's agent or person in charge of the premises after notification to the owner from the City.
- (B) **Removal of Unsafe Signs.** Should any sign become insecure or in danger of falling, in disrepair or deteriorated, or otherwise unsafe or constitute a public nuisance, the owner, owner's agent or person in charge of the premises, shall, immediately, in the case of imminent danger, or upon receipt of written notification from the City within ten (10) days in other instances, as stated by the City, secure the sign or cause it to be placed in good repair in a manner approved by the City, or said sign shall be removed by the owner, owner's agent or person in charge of the premises. If such order is not complied with, the City may remove the sign at the expense of its owner and may place a lien for the cost thereof upon the property on which the sign was located together with any other cost incurred by the City by filing such lien. The lien may be foreclosed in the same manner provided by law for the foreclosure of



mortgages and the City shall have the right to receive all costs of court including reasonable attorney fees. The City may impose a special assessment and municipal lien in accordance with the provisions of the City Code.

- (C) **Termination of Unlawful Illumination.** Upon notification from the City that a sign is unlawfully illuminated in violation of this article, the owner, owner's agent, or person in control of the premises, shall immediately terminate the prohibited illumination or animation of such sign.

#### SECTION 14.13 – ENFORCEMENT AND PENALTIES

- (A) The provisions of this article may be enforced by the City utilizing any legal remedy or code enforcement process available under controlling Florida law. Any continuing violations of the terms, conditions, regulations, limitations or provisions of this article may be enjoined and restrained by an injunctive order of the Circuit Court in appropriate proceedings instituted for such purposes and the City Attorney is authorized to file such actions with the concurrence of the City Manager.
- (B) The penalties for violation of this article may be the maximum authorized penalty under the remedy, process or procedure which the City elects to pursue.
- (C) A person violating any of the terms, conditions, regulations, limitations or provisions of this article shall be subject to penalty. Each day that any violation of the terms, conditions, regulations, limitations or provisions of this article shall continue to exist, shall constitute a separate and distinct offense. Any continuing violations of the terms, conditions, regulations, limitations or provisions of this article may be enjoined and restrained by an injunctive order of the Circuit Court in appropriate proceedings instituted for such purposes.

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# Article XV: Environmental Preservation

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## SECTION 15.1 – VEGETATION AND SOIL PROTECTION

- (A) **Purpose and Intent.** The purpose of this section is to prohibit the destruction of natural vegetation and the changing of natural grades and drainage facilities until a development order or development permit has been approved. Additionally, this section provides for protective measures for both vegetation and soils to be implemented prior to construction. Additional protection is provided for in other sections of this article and this LDC, including but not limited to, Section 15.4, Wetlands Protection, Section 15.5, Setbacks from Waterbodies, and Section 15.8, Conservation and Buffer Easements; Tracts and Zones, and Section 12.3, Trees.
- (B) **Required Vegetation Preservation.** The following preservation measures shall be implemented on all construction sites as applicable:
- (1) **Clearing Procedure.** The applicant shall be responsible for ensuring that all possible measures are taken during the clearing process to avoid damage to trees and vegetation designated to remain after construction. This shall include use of hand labor rather than large machinery where necessary to protect trees to be preserved. All felled material shall be promptly and carefully removed from the site in order to avoid potential damage to remaining trees and vegetation and the harboring of insects, snakes, and rodents.
    - (a) The City shall require that proposals for development identify and locate any on-site plant and wildlife species listed as endangered and threatened by the State and Federal regulatory agencies.
  - (2) **Protective Barriers.** Protective barriers shall be constructed (prior to clearing) around all trees and vegetation designated to remain. These barriers shall be located one (1) foot away from the tree trunk for every diameter at breast height (DBH) inch as is practical or reasonable to a maximum of a twenty-four (24) foot radius from the center of the tree, when approved by the Land Use Administrator, or designee, and shall be approximately three (3) to four (4) feet in height. The barrier should be rigid and sturdy enough to survive the construction period, however, any suitable new or scrap material may be used in its construction. (With approval of the Land Use Administrator, or designee, large wooded areas may be tagged or similarly designated instead of barricaded.)
    - (a) Absolutely no fill, building materials, trash or other objects shall be placed inside these barriers. If fill is deposited adjacent to these areas, a suitable temporary or permanent retaining structure shall be constructed to prevent siltation of the barricaded area.
    - (b) Barriers are to be adequately maintained and shall remain in place until their removal or modification is approved in writing. Failure of the applicant to properly locate and/or maintain the barrier may result in the issuance of a Class I or Class II Citation (depending on the magnitude of the violation). Issuance of a stop work notice ("red tag") and the requirement that the applicant provide a restoration plan to the Land Use Administrator (or some combination of these, as determined appropriate by the Land Use Administrator, or designee).
  - (3) **Use of Temporary Stabilization in Traffic Areas.** Where traffic areas are proposed at or near natural grade, alternate pervious surfaces may be used in conjunction with stone or gravel. Specific details may be approved by the development order or permit issuing authority.
  - (4) **Excavations.** Clearing and minor negative grade changes should always be designed around the tree barrier area as much as possible. Any exposed roots shall be trimmed. Piping should be used where deep swales or ditches would require significant grade adjacent to trees.
  - (5) **Trenching of any type should be avoided in the dripline area.** Where underground installations are required adjacent to the trunks of specimen trees, tunneling should be used. When trenching or tunneling near trees to remain, protective measures should be taken as specified in the University of Florida, IFAS Planting Details – Tree Protection.
- (C) **Required Soil Conservation.** The following soil conservation measures shall be taken on all construction sites as required:

- (1) **During Construction.** The contractor shall follow standard practices or details specifically included in the environmental resource permit and applicable stormwater pollution prevention plan to prevent erosion and the depositing of soils off the construction site. These practices shall include the protection of bare soils from wind forces and stormwater.
- (2) **After Construction.** All disturbed areas shall be mulched, seeded, or sodded to restore the original vegetation as required by the permit-issuing authority, and shall be maintained as such. The removal or lack of maintenance of vegetation resulting in on-site and/or off-site erosion (sedimentation or siltation or both) or wind-blown loss of soils shall be deemed a violation of this section.

**(D) Disposal of Debris.**

- (1) 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 except upon certification to the Land Use Administrator, or designee, that the same is necessary or desirable in the public interest.
- (2) Every effort shall be made by developers, builders, and contractors to minimize the amount of construction and demolition debris disposed of at the county's landfill. When properly permitted and operated, landfills specializing in construction and demolition debris should be used, as should proper burning of certain types of trash. Mulching and composting should also be utilized whenever feasible. Recycling of certain aluminum, plastic, glass and paper trash from construction activities should also be utilized when available.

## SECTION 15.2 – TREE PROTECTION, REMOVAL, AND REPLACEMENT

### (A) Purpose and Intent.

- (1) **Purpose.** The purpose of this section is to establish protective regulations for trees within the City of Oviedo in order to maintain and protect the urban forest, control flooding problems, reduce soil erosion, and reduce air and noise pollution.
- (2) **Intent.** The intent of this section is to encourage the protection of the maximum number of trees within the City. It is further the intent of this section to encourage the protection of trees native to Central Florida and the proper removal of exotic and invasive trees.

### (B) Tree Removal.

- (1) **Permit Required.** No person shall engage in tree removal without first obtaining a clearing, grading, and tree removal permit. The clearing, grading and tree removal permit, when issued, shall specifically identify which trees shall be permitted to be removed. The removal permit authorizes the removal of the trees specified therein. Nothing in this section shall be construed to require the removal of such trees by the permittee.
- (2) A clearing, grading, and tree removal permit may be issued for tree removal under any of the following conditions:
  - (a) Trees located on building and construction sites as shown on City approved plans, provided said trees are replaced elsewhere on the property in accordance with Section 15.2(E), Tree Replacement.
  - (b) Trees located within ten (10) feet of a structure or other improvement, provided said trees are replaced elsewhere on the property in accordance with Section 15.2(E), Tree Replacement.
  - (c) Trees severely diseased, severely injured or dead.
  - (d) Trees that interfere with the construction or repair of public infrastructure and facilities.
  - (e) Undesirable trees per Article XII Landscaping, Tree Planting, and Buffer Requirements.
  - (f) Trees removed by the City or other governmental agency and which are located within a public street, drainage right-of-way, or permanent utilities and drainage easements.
  - (g) Trees approved by the Land Use Administrator, or designee, provided said trees are replaced elsewhere on the property in accordance with Section 15.2(E), Tree Replacement.
- (3) When making a determination on whether a tree meets one (1) of the conditions set forth in Subsection (B), tree removal, and therefore, whether to approve or deny an application for clearing, grading, and tree removal permit under this section, the Land Use Administrator, or designee, shall apply one (1) or more of the following standards of review as deemed relevant:
  - (a) Necessity to remove trees which pose a clear and obvious safety hazard to pedestrian or vehicular traffic or threaten to cause disruption to public services or a significant obstacle to accessing and utilizing public easements and rights-of-way.
  - (b) Necessity to remove trees which pose a clear and obvious safety hazard to buildings and other improvements on a lot or parcel of land. Ordinary small cracks or uplifts in pavement, sidewalks, and non-occupied structures that are typically caused by settling and small roots shall not be considered a safety hazard.
  - (c) Necessity to remove diseased trees or trees weakened by age, storm, fire, or other injury or trees with severe structural defects that pose a clear and obvious safety hazard to people, buildings, or other improvements on a lot or parcel of land.
  - (d) The extent to which tree removal is likely to result in damage to the property of other owners, public or private, including damage to lakes, ponds, streams, or rivers through runoff or erosion.

- (e) Any proposed landscaping including plans whereby the applicant has planted or will plant trees to replace those that are proposed to be cleared.
  - (f) Topography of the land and the effect of tree removal on erosion, soil retention and the diversion or increased flow of surface water.
  - (g) Good forestry practices, such as the number of healthy trees that a given parcel of land will reasonably support and the proven techniques that sustain healthy trees.
  - (h) Necessity to remove trees in order to construct approved and permitted improvements to allow economic enjoyment of the property, including:
    - (i) Need for access around the proposed structure for construction equipment (maximum of ten (10) feet).
    - (ii) Need for access to the building site for construction equipment.
    - (iii) Essential grade changes.
    - (iv) Need for locating street or street rights-of-way, utilities, drainage ways, as well as the need to provide reasonable use and property access.
  - (i) The extent of any damage or demonstrated hardship which would result to the Applicant from a denial of the requested permit.
  - (j) The species and size of the trees proposed for removal.
  - (k) The following factors shall also be considered:
    - (i) Trees forming the current canopy.
    - (ii) Preservation of the next generation of trees.
- (4) **Minimum Tree Requirement.** The issuance of a clearing, grading, and tree removal permit does not relieve the permittee from minimum requirements of Article XII, Landscaping, Tree Planting, and Buffer Requirements.
- (5) **Champion Trees.** Notwithstanding any other provision of the section, champion trees shall not be removed except for extraordinary circumstances and hardships. Removal of champion trees shall require City Council approval.
- (6) **Restrictions on Tree Removal after Permit Expiration.** 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.

**(C) Tree Pruning Standards.**

- (1) **Standards.** Trees intended for shade purposes shall be allowed to reach mature canopy spread and shall be pruned in accordance with the ANSI A 300 Part 1 Pruning standard and ANSI Z133.1 Safety standard. Pruning should be performed with defined pruning objectives and according to a specific pruning plan to accomplish the objective including the minimum and/or maximum branch size to be removed.
- (2) **Unlawful Pruning.** The pruning techniques described in Section 15.2(F), Prohibitions, shall be deemed unlawful.

**(D) Tree Designation.**

- (1) Large Trees as listed in the Florida-Friendly Landscaping™ Plant Guide that are 8" or greater DBH shall be retained or replaced per Section 15.2(E), Tree Replacement.
- (2) Certain trees, herein referred to as "heritage" or "champion" trees, are of especially great concern to the public because of ecological value, of indigenous character, size, age or historic association.
- (3) **Champion Trees.** Any tree with a DBH of thirty (30) as listed in the Florida-Friendly Landscaping™ Program may be designated a champion tree by the City Council may determine that a tree is a champion tree. The Land Use Administrator, or designee, shall keep a permanent record of all



trees so designated by the City Council. The City Council shall grant double tree replacement credits, upon granting a champion tree designation. Designation of a tree as a champion tree may occur in any one (1) of the following ways:

- (a) An applicant may request designation of a champion tree as part of any master plan, preliminary subdivision plat, or site plan application. To do so, the applicant shall submit an expert evaluation by a landscape architect, horticulturalist, certified arborist, or other horticultural expert as part of the application.
- (b) A property owner may request such designation at any time. To do so, the property owner shall submit an expert evaluation by a landscape architect, horticulturalist, certified arborist or other horticultural expert.
- (c) The Land Use Administrator, or designee, may recommend such designation as part of the review of any application for development, stating in writing the reasons for such designation, or may make such designation as part of an overall tree protection planning program for the City or portion thereof.
- (4) **Heritage Trees.** Heritage trees are all large trees (other than "undesirable trees" identified in Article XII, Landscaping, Tree Planting, and Buffer Requirements, dead trees, or diseased trees identified by the Land Use Administrator, or designee) which have a DBH of thirty (30) or more inches.

**(E) Tree Replacement.**

- (1) All large trees identified per 15.2(D)(1) that are removed or destroyed and subject to replacement by this section shall be replaced by a species of tree listed in the latest edition of the Florida-Friendly Landscaping™ Plant Guide or such other trees properly approved by the Land Use Administrator, or designee, in accordance with Table 15.2.1, Tree Replacement Schedule. Replacement shall occur prior to the issuance of a certificate of occupancy (if approval is pending) or occur within thirty (30) days of removal or destruction, whichever date is earlier, unless a greater replacement period is provided for good cause within a clearing, grading, and tree removal permit.

**TABLE 15.2.1: TREE REPLACEMENT SCHEDULE**

<b>DBH (inches) - Removed Tree</b>	<b>Ratio of required inch replacement (caliper or DBH)</b>
8" up to but not including 18"	15% of removed inches
18" up to but not including 30"	20% of removed inches
30" or greater	30% of removed inches
Champion Trees	60% of removed inches

**(2) Criteria for Replacement Trees.**

- (a) **Characteristics of Replacement Trees.** The replacement tree(s) shall be large trees per the Florida-Friendly Landscaping™ Plant Guide.
- (b) **Size of Replacement Trees.** Replacement tree(s) are to be a minimum of two and one-half (2½) inches caliper. Replacement tree(s) that are a minimum of four (4) inches caliper shall be counted as two (2) replacement trees and replacement trees that are a minimum of six (6) inches caliper shall be counted as three (3) replacement trees.
- (c) **Tree Species.** Relocated or replacement trees shall include only species listed in the latest edition of the Florida-Friendly Landscaping™ Plant Guide edited by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS) or as approved by the Land Use Administrator, or designee.
- (d) **Transplanting and Maintenance Requirements.** All trees transplanted pursuant to this subsection shall be maintained in a healthy, living condition. Any such trees which die shall be

replaced and maintained by the property owner. The Property Owner shall retain jurisdiction for one (1) year to ensure compliance with this subsection.

**(3) Tree Replacement Requirements.**

- (a) All Plant material specified shall be Florida Grades and Standards #1 or better.
- (b) A tree identification table based on the tree survey shall be required as part of the tree removal permit process, which identifies the tree type, tree diameter at breast height (DBH) in inches and the tree health of all existing trees on-site.
- (c) Tree replacement shall be provided with the following steps:
  - (i) Prepare a table converting the DBH inches from the tree identification table with the ratios displayed in Tree Replacement Schedule, Table 15.2.1, providing the total amount of DBH inches that need to be accounted for, resulting in the tree canopy balance in inches.
  - (ii) To meet the required tree canopy the following shall count: (1) any large tree preserved on-site that meets the requirements of this LDC, and/or; (2) any large tree planted on-site, and or; (3) any street tree planted in the R.O.W by the applicant.
  - (iii) If, by adding the trees preserved and the minimum landscape tree requirement, there is still a balance to meet the required tree canopy, the applicant has the following options: (1) plant additional trees on-site, and/or (2) increase the caliper of the large tree planting consistent with Section 15.2(E)(2)(b), and/or (3) payment to the tree bank consistent with Section 15.2(E)(5).
- (d) In lieu of payment to the City's Tree Bank, the Land Use Administrator, or designee, may allow for replacement trees to be planted on City property, at the applicant's expense, if a site is deemed appropriate.
- (e) For new development and redevelopment, preserved trees in wetland and other conservation areas do not count towards tree canopy.
- (f) Diversity of species shall follow Article XII requirements.
- (g) The applicant shall be responsible for the cost of replacement.

**(4) Elimination of Undesirable Trees and Shrubs.** The natural vegetative communities existing within the City shall be protected by the control and elimination of invasive, nonnative species. To that end, the following guidelines shall apply:

- (a) Planting of Trees or any other plant species listed on the Florida Noxious Weed List and the Florida Prohibited Aquatic Plants List as published by the University of Florida Center for Aquatic and Invasive Plants is prohibited.
- (b) Removal of Trees listed on the Florida Noxious Weed List and the Florida Prohibited Aquatic Plants List as published by the University of Florida Center for Aquatic and Invasive Plants from commercial, office, industrial, or multifamily sites (excluding jurisdictional wetlands) shall be completed, whenever practicable, as a requirement for approval of any development order or permit issued by the City or the issuance of a certificate of occupancy, if applicable.
- (c) Control and elimination procedures shall in no way promote the proliferation of the species through the dispersal of seed or other vegetative reproducing parts.
- (d) Control and elimination procedures shall in no way harm or cause the decline of preserved or planted trees and landscaping.

**(5) City Tree Bank.** A City Tree Bank is hereby established. If the Land Use Administrator, or designee, determines, due to site conditions or configuration, it is impossible or impracticable for the applicant to meet the requirements for tree replacement under this subsection, the applicant may be allowed to pay fees into the City's Tree Bank. Monies collected in the tree bank shall be used for planting of trees on public lands and other tree protection and promotion activities as

approved by City Council. The value amount to be paid into the tree bank shall be determined by the required tree calculations and the City's tree replacement fee schedule.

(F) **Prohibitions.**

- (1) **Placement of Materials, Machinery, or Temporary Soil Deposits.** It shall be unlawful to place material, machinery, or temporary soil deposits within the tree protective barriers before or during construction. Before or during construction the builder shall erect and maintain suitable protective barriers around all trees to be preserved. Upon written request, the Land Use Administrator, or designee, on a case-by-case basis, may allow material or temporary soil deposits to be stored within the protective barrier if no other storage is available.
- (2) **Climbing Spurs.** It shall be unlawful to use climbing spurs or other similar device to aid in the climbing of a live tree, where such device causes the puncture or tears the bark of the tree.
- (3) **Tree Spiking.** It shall be unlawful to introduce any type of poison or reactive material to a tree for the purpose of causing it to die or become diseased.
- (4) **Structure and Pavement Location.** It is prohibited to place any structure or impervious paving within an eight-foot radius of any tree trunk or stem having a diameter of eight (8) inches or more DBH.
- (5) **City Trees.** It shall be unlawful to remove any tree which is within the City's rights-of-way or upon any other City property without the permission of the City evidenced by the appropriate permit.
- (6) **Attachments.** It shall be unlawful to attach anything to a tree or stem, including nails or spikes, other than protective wires, braces or other similar non-injurious materials.
- (7) **Cut and Fill Guidelines.** It shall be unlawful to remove or add any material or ground within the tree protection zone unless otherwise permitted by the Land Use Administrator, or designee.
- (8) **Encroachment of the Tree Protective Barrier.** During the construction stage of development, the applicant shall not cause or allow land clearing, the use of heavy equipment or material within the tree protective barriers of any tree or groups of trees to be retained. Neither shall the developer cause or allow the disposal of waste material such as paint, oil, solvents, asphalt, concrete, mortar or any other material harmful to the life of a tree within the tree protective barriers of any tree or groups of trees, or where planting beds are to be situated.
- (9) **Shearing, Hat Racking, Topping or Poodle Trimming of Trees (Lollipop), Lions Tailing, Pollarding of Trees.** Trees intended for shade purposes shall be allowed to reach their mature canopy spread. It shall be unlawful to engage in excessive pruning techniques on trees intended for shade purposes. Excessive shearing, pruning or shaping shall only be allowed with a permit by demonstrating necessity or without a permit in times of emergency only. The following are deemed unlawful excessive pruning techniques which are prohibited on trees:
  - (a) **Lions Tailing.** The improper practice of removing most secondary and tertiary branches from the interior portion of the canopy leaving most live foliage at the edge of the canopy.
  - (b) **Topping, hat racking, stag heading, de-horning, lopping, and rounding over.** the improper practice of reducing tree size by making heading cuts through a stem more than two (2) years old; a pruning practice that destroys tree architecture and serves to initiate discoloration and decay in the cut stem.
  - (c) **Pollarding.** The pruning technique that removes sprouts back to the same location annually or biannually maintaining a tree to a specific height.
  - (d) **Shearing.** A pruning technique which is typically accomplished with cuts made through wood less than a year old at the sides of the canopy to create uniform dense canopies.
  - (e) **Poodle Trimming.** Combines shearing and removing lower limbs to create tree forms that look like a "lollipop."

- (10) Construction near adjacent property, walls, structures, and pavement shall not be constructed in any way which will result in damage to roots within the tree protection zones of trees located on adjacent properties.

**(G) Tree Protection during Development and Construction.**

- (1) **Restrictions During Construction.** It shall be unlawful for a grading plan to include soil that is placed in the tree protective barriers permanently for the purpose of a grade change.
- (2) **Burden of Tree Protection.** It shall be the responsibility of an applicant and his/her agents to ensure the protection and survival of any retained or replacement tree shown on the tree inventory. The property owner shall guarantee survival of retained trees for two (2) years and replacement trees for one (1) year from completion of permitted construction, unless a greater time period is required by development agreement, order, or permit. If a retained or replacement tree dies during that time period, the property owner shall replace the tree in accordance with a remedial action approved under Section 15.2(J), Violations and Remedial Actions.
- (3) **Protective Barriers Required.** Protective barriers shall be constructed (prior to clearing) around all retained trees as required in Section 15.1(B)(2), Vegetation and Soil Protection.
- (4) **Site Inspections.** The Land Use Administrator or designated City Inspector may conduct periodic inspections of the site. It is the responsibility of the applicant and their agents to ensure that all provisions of this section are met.
- (5) **Adjacent Properties.** The applicant and their agents shall ensure that the protection zones of trees located on adjacent properties are protected as required by this subsection for trees located on the site being developed.

- (H) Voluntary Tree Planting.** This section shall not be interpreted to restrict, regulate or limit the voluntary planting of any tree within the City. The provisions of this section govern only the planting of trees which are required to be planted or retained. Trees or plants planted in the City's rights-of-way are subject to removal or trimming by the City at any time.

- (I) Incentive Program.** Incentives for the purposes of protecting and preserving mature trees and planting enhanced landscaping may be approved as part of development agreement, order or permit. Such incentives shall have a public benefit and may include, but are not limited to, deviations from the minimum standards of this LDC (e.g., parking; setbacks). Any incentives granted under this subsection shall be consistent with the Comprehensive Plan.

**(J) Violations and Remedial Actions.**

- (1) **Separate Violation.** It shall be a separate violation for each tree removed and for each day a person is engaged in land clearing or grading without a permit.
- (2) **Violations Require Remedial Action.** Where violations have occurred, remedial action shall be taken to restore the property consistent with a restoration plan approved by the Development Review Committee. The restoration plan may require tree replacement per the replacement schedule in Table 15.2.2, Tree Replacement Schedule for Violations, mitigation of any other damage to the property, and payment to the City's Tree Bank, or any combination thereof.

**TABLE 15.2.2: TREE REPLACEMENT SCHEDULE FOR VIOLATIONS**

<b>DBH - Removed Tree</b>	<b>Ratio of required inch replacement (caliper or DBH)</b>
8" up to but not including 18"	0.5:1
18" up to but not including 30"	0.75:1
30" or greater	2:1
Champion Trees	4:1

**(K) Enforcement; Penalties.**

- (1) **Enforcement.** The City shall enforce the provisions of this section by any lawful means including, but not limited to, issuing a civil citation, bringing charges before the City's Code Enforcement Board, and seeking injunctive and equitable relief. For purposes of determining the penalties provided under this section, the removal or death of a tree in violation of this section shall be deemed irreparable or irreversible.
- (2) **Penalties.** In addition to all other remedies set forth in this section, one (1) or more of the following civil fines shall apply to violations, refer to City's fee schedule for amount:
  - (a) Failure to Obtain a Clearing, Grading, and Tree Removal Permit. Fine to be levied based on two times the application fee.
  - (b) Removal of a Tree without a Permit or not in accordance with a permit. Fine per caliper or DBH inch.
  - (c) Failure to Abide by a Cease-and-Desist Order. The fee schedule establishes the fine per day for the first offense and the fine per day for the second and each subsequent offense
  - (d) Failure to comply with an Approved Tree Removal and Mitigation plan. If tree mitigation has not occurred one year from issuance this will result in penalties to the property owner in the amount of mitigation required per the approved plan.
  - (e) Failure to Abide by the Requirements of Section 15.2(G), Tree Protection during Development and Construction.
  - (f) Payment for the City's Environmental Consultant's services.
  - (g) Any Other Violation of Section 15.2, Tree Protection, Removal, and Replacement. Refer to the fee schedule.

**SECTION 15.3 – SPECIES OF SPECIAL CONCERN, THREATENED OR ENDANGERED**

- (A) **Purpose and Intent.** It is the purpose of this part to provide standards necessary to protect the habitats of species, both flora and fauna, of endangered, threatened, or special concern status. It is the intent of this part to require that an appropriate amount of land shall be set aside to protect habitat of rare, endangered, or special concern plant and animal species.
- (B) **Applicability.** Proposals for development shall identify the presence and location of any on-site species of special concern, threatened or endangered as listed by the Florida Game and Freshwater Fish Commission, the U.S. Fish and Wildlife Service or the Florida Department of Agriculture and Consumer Services, as well as any locally designated species.

(C) **Habitat Management Plans.**

- (1) Developments with on-site populations of species of special concern, threatened or endangered status shall submit a habitat management plan to the Florida Game and Freshwater Fish Commission for approval. The City shall then include the plan as a condition of approval.
- (2) The habitat management plan shall be prepared by an ecologist, biologist or other related professional. The plan shall document the presence of affected species, the land needs of the species that may be met on the development site, and shall recommend appropriate habitat management plans and other measures to protect the subject population.
- (3) The habitat management plan shall be guided by the following standards:
  - (a) Development shall be clustered away from the habitats of endangered and threatened wildlife and species of special concern.
  - (b) To the maximum extent possible, wildlife corridors shall be maintained and the fragmentation of large ecological community associations shall be prevented.
  - (c) The habitats of endangered and threatened wildlife and species of special concern shall be buffered consistent with applicable adopted requirements.
  - (d) On-site plant species listed by the Florida Department of Agriculture and Consumer Services shall be preserved to the maximum extent possible.

- (D) **Fee in Lieu.** As an alternative to preservation of land, the payment of a fee in lieu of land may be considered, whereby land which will provide a significant habitat may be purchased and preserved. This option shall be utilized in those cases where on-site preservation will provide only limited benefit as determined by the City. Such payment shall be to the City or to an agency deemed by the City to be capable of using the funds to acquire suitable properties.

#### SECTION 15.4 – WETLANDS PROTECTION

- (A) **Protected Wetlands.** Protected wetlands are recognized by St. Johns River Water Management District (SJRWMD), Florida Department of Environmental Protection (FDEP), or the U.S. Army Corps of Engineers (USACE). New development shall adhere to the requirements of this LDC and obtain permits from the appropriate jurisdictional agency.

(B) **Wetland Buffers.**

- (1) **Wetland Buffer.** A 10-foot minimum buffer is required from wetland boundaries for any structure or hardscape treatment.
- (2) **Wetland Buffer within the Econlockhatchee River basin.** The buffer required from the Econlockhatchee River Corridor Protection Zone is provided in Section 15.7(E)(2)(f).

#### SECTION 15.5 – SETBACKS FROM WATERBODIES

- (A) **Purpose and Intent.** The purposes for setbacks from waterbodies (located wholly or partially within the City) include, but are not limited to, protecting the public's interest in waterbodies, protecting private property rights and values, protecting and maintaining the chemical, physical and biological integrity of those waterbodies, and their associated wetlands, floodplains, and shoreline habitats, minimizing runoff pollution of surface waters, minimizing sedimentation and siltation, protecting aquatic (and adjacent) habitats for fish, other aquatic or amphibious life, and wildlife, preventing the spread of exotic and other invasive vegetation, and protecting aesthetic and recreational values.

(B) **Restrictions.**

- (1) No structures shall be constructed within fifty (50) feet from the normal high-water elevation of lakes, rivers, and creeks, except for boardwalks, fishing piers, boat docks, boat houses, gazebos, boat ramps, or canoe launches that are issues applicable to site development plans and building permits. Specifically prohibited are domiciles, storage buildings, screen rooms, green houses, tents, patios, antennae, fueling facilities, satellite dishes, solar panels, and other accessory



structures. Allowable structures shall be field located to minimize tree and vegetation removal and other negative environmental impacts.

- (2) No outdoor storage of vehicles, equipment, materials, debris, trash or chemicals, (except as otherwise provided in this section) shall be allowed without a special exception use order. No outdoor storage of watercraft shall be allowed within an area twenty (20) linear feet landward of the shoreline, except where such storage occurs on an approved boat dock.
  - (3) Storage or use of fertilizer, pesticides, herbicides, fungicides, fuel, lubricants, or other chemicals within any waterfront buffer or setback may require a chemical management plan, if so determined by the Land Use Administrator, or designee. Review of a chemical management plan shall be subject to review by the Land Use Administrator, or designee, and (if deemed necessary) by an independent consultant, selected by the City. The applicant shall reimburse the City for the consultant's review fee.
  - (4) Unless otherwise specifically authorized in writing, a swale and berm system shall be utilized - properly located, installed, and maintained - to prevent lot (or other) drainage from flowing directly into the receiving waterbody or causing or significantly contributing to the sedimentation, siltation, scouring, or degradation of stormwater facilities, wetlands, water bodies, or adjacent properties.
  - (5) Silt fences and other appropriate devices, as may be required or approved in writing, shall be installed and maintained as depicted in current FDEP Best Management Practices for Erosion and Sedimentation Control specifications. Any shoreline dredge and fill work, including, for example, installation of pilings, shall require adequate installation and maintenance of turbidity barriers/curtains, unless specifically exempted by the Land Use Administrator, or designee.
  - (6) New waterfront development shall ensure that adequate waterfront buffers and setbacks (e.g., not less than fifty-foot building setbacks) are specified for width, composition, and maintenance/preservation and will be monitored on not less than an annual basis to ensure, at a minimum, the following buffer functions are maintained:
    - (a) Aesthetic buffer features;
    - (b) Erosion (sedimentation and siltation/turbidity) control;
    - (c) Maintenance of water quality and quantity; and
    - (d) Fish and wildlife habitats and corridors.
  - (7) For lots or parcels located on a lake or river, a maximum of thirty (30) linear feet of a waterfront may be cleared for waterfront access or view without meeting the requirements of Section 15.5(C), permit requirements. The thirty (30) feet shall be approved through a clearing, grading, and tree removal permit. Minimal tree and vegetation removal shall occur and may need to curve between existing trees and other vegetation to minimize negative environmental impacts.
  - (8) Trees that pose a clear threat to the public safety or to a structure or invasive and nuisance vegetation may be removed, subject to written approval, after a site inspection to determine the extent of the alleged threat.
- (C) **Permit Requirements.** Applicants for all waterfront, waterfront buffer, or waterfront setback tree or vegetation removal, clearing, underbrushing, grading, filling, excavating, or other site work shall obtain, at a minimum, a clearing, grading, and tree removal permit. It is the obligation of the applicant to obtain and comply with all the requirements of pertinent State and Federal permits (SJRWMD, DEP, United States Army Corps of Engineers, etc.).
- (1) The application package shall include, as a minimum, a signed survey, a clear and definitive description of the type and extent of proposed activities (clearing, construction, and final proposed uses in the waterfront or setback area), methods of execution, vegetation and tree protection measures, and any other reasonable anticipated negative impacts upon listed plant and/or animal species, upon adjacent properties, or upon ambient surface water quality. This description shall include the time of year (with regard to, for example, wet or dry season, breeding season for



animals, spawning season for fish - as applicable) that the clearing and construction is proposed to occur.

- (2) Trees and vegetation proposed for removal shall be clearly described in terms of species, size, location, condition, and extent of removal.
- (3) Any proposed dredge and fill activities in or adjacent to a waterfront, waterfront buffer or in any waterfront setback shall require a clearing, grading, and tree removal permit, as applicable. The application shall contain an adequately descriptive site development plan. Approval of a clearing, grading, and tree removal permit for a dredge and fill operation shall be contingent upon receiving all other applicable State and Federal permits or letters of exemption, if pertinent to the proposed operation.
- (D) **Violations.** Violations of this section may result in issuance of a Class II Citation, issuance of a stop work notice ("red tag") or being referred to the City Council after a restoration plan has been prepared (by the applicant) to restore the site and adjacent properties and/or waterways (if pertinent) to their previous condition (or to a better condition, if required by the City Council). The Land Use Administrator, or designee, shall determine which enforcement procedure or combination of procedures is applicable and whether or not a restoration plan needs to be referred to the City Council for approval.

## SECTION 15.6 – WELLFIELD PROTECTION

- (A) **Purpose and Intent.** The purpose of wellfield protection standards is to safeguard the health, safety, and welfare of the citizens of the City of Oviedo. This is accomplished through ensuring the protection of the principal sources of water for domestic, agricultural, and industrial use. Availability of adequate and dependable supplies of good quality water is of primary importance. Therefore, standards are described in this section with the intent of protecting both the quantity and quality of the groundwater supply. It is the intent of this section to control development in and adjacent to existing or designated wellfields to protect water supplies from potential contamination.
- (B) **Development Requirements.**
  - (1) **Within the Primary Zone of Protection.** A Primary Zone of Protection within a Wellfield Protection Zone shall extend for a radius of seventy-five (75) feet from an existing potable well within an existing or designated wellfield. Only the following uses are allowed within the Primary Zone of Protection:
    - (a) Uses associated with water supply systems.
    - (b) Open space; and parks, playgrounds, playing courts, open-air shelters, and other similar recreational facilities that are not hazardous waste generators and will not be served by a septic tank.
    - (c) One residential dwelling per parcel, tract, or lot that may be entirely or partially within the Primary Protection Zone, provided that the property will not contain a septic tank; and that a covenant is included within the development order or local approval affirming that the property is within the Primary Protection Zone of an existing or designated wellfield and that the property owner shall be responsible for disposal of household hazardous waste in an environmentally responsible manner using sound and generally accepted best management practices.
    - (d) Accessory structures, utility lines, and streets, driveways, parking lots, piped stormwater conveyance and irrigation systems associated with a permitted use; provided, however, that all sewer pipes connecting to the municipal sewer system shall be constructed in a manner to have secondary containment as approved by the City Engineer consistent with sound and generally accepted engineering practices and principles.
  - (2) **Within Secondary Zone of Protection.** A Secondary Zone of Protection within a Wellfield Protection Zone shall extend for a radius of one hundred (100) feet from an existing potable well within an existing or designated wellfield. Sanitary hazards that pose a potentially high risk, as defined by Rule 62-555.312(3), Florida Administrative Code, are prohibited and unlawful within the Secondary Zone of Protection.

- (3) **Prohibited Uses and Development Activities.** Within the Wellfield Protection Zone The following land uses are prohibited within Wellfield Protection Zone which shall extend for a radius of five hundred (500) feet from an existing potable well within an existing or designated wellfield:
- (a) Landfills.
  - (b) Mines.
  - (c) Egg production facility or commercial animal feeding operation.
  - (d) Facilities for the bulk storage (including underground storage,) handling or processing of materials on the List of Highly Hazardous Chemicals, Toxics and Reactives as set forth at 29, CFR, Section 1910.119.
  - (e) Motor vehicle sales and service except those classified as Conditionally Exempt Small Quantity Generator as provided in (4)(c), chemical suppliers, and industrial uses.
- (4) **Special Restrictions on Development Activities and Handling of Certain Substances Within the Wellfield Protection Zone.**
- (a) Stormwater management practices shall not include injection wells, drainage wells or sinkholes for stormwater disposal where recharge or discharge is into potable water aquifers.
  - (b) Development shall be served by City sewer utility services.
  - (c) Within the one-hundred-foot to five-hundred-foot area located outside the Secondary Zone of Protection, non-residential conditionally exempt small quantity generators in accordance with the Florida Department of Environmental Protection shall be permitted. Documentation of proper waste, storage and disposal shall be available on the premises at all times for inspection by the regulatory authority, the City and the public.
  - (d) A covenant shall be included within each development order or development permit affirming that the property is within the Wellfield Protection Zone of an existing or designated wellfield and that the property owner shall be responsible for disposal of household hazardous waste in an environmentally responsible manner. The property owner shall be required to comply with requirements and prohibitions outlined within any and all local, State and Federal laws, rules, codes and regulations enacted to protect groundwater resources.
  - (e) The provisions of this section shall not be construed or interpreted to conflict with the controlling provisions of Federal or State law which expressly preempt the provisions of this section; provided, however, that, in the event of non-preemption, the most stringent standard shall apply.

## SECTION 15.7 – ECONLOCKHATCHEE RIVER PROTECTION OVERLAY STANDARDS CLASSIFICATION

### (A) **Preamble.**

- (1) The Econlockhatchee River Basin is located, in part, in the City of Oviedo, Florida and includes the Big Econlockhatchee River and its tributaries (one of which is the Little Econlockhatchee River).
- (2) More than five percent of the total land area within the City of Oviedo lies within the Econlockhatchee River Basin.
- (3) The Econlockhatchee River Basin contains a diverse and unique ecosystem which, at the time of the enactment of this section is largely undeveloped.
- (4) Growth and development pressures that are being experienced in the Central Florida area, generally, and in the City of Oviedo, specifically, are likely to be particularly detrimental to the Econlockhatchee River Basin absent effectual regulation.
- (5) The St. Johns River Water Management District has commissioned a two-phase program to develop a Basin-Wide Natural Resources Development and Protection Plan for the Econlockhatchee River Basin.

- (6) Phase I of the Econlockhatchee River Basin Study has been completed which study is attached hereto as Exhibit "E" to this article and incorporated herein as if fully set forth herein verbatim.
  - (7) The Econlockhatchee River Basin Task Force has issued final recommendations to local governments based on the results of Phase I of the Econlockhatchee River Basin Study, which recommendations are attached hereto as Exhibit "F" to this article and incorporated herein as if fully set forth herein verbatim.
  - (8) The City Council, (hereinafter referred to as the "Council" or "City" depending upon the context; provided, however, that when determinations are to be made by the City under the provisions of this section said determinations shall be made by the City staff delegated the particular responsibility or function) has found and determined that, for the sake of the health, safety, and welfare of the people of the City of Oviedo, special land development regulations to facilitate a balance between private property rights, development and growth and the ecological and aesthetic well-being of the Econlockhatchee River Basin need to be promulgated and enacted in order to prevent public harms that would likely result without protections afforded by such special land development regulations.
  - (9) Protecting the environmental integrity of the Econlockhatchee River Basin and the surface and groundwater resources it represents sustains and supports sound economic growth in the City of Oviedo.
  - (10) The Council believes that it is in the best interests of the residents of Oviedo to review and consider the incorporation of appropriate recommendations of the Econlockhatchee River Basin Task Force and Study into the Comprehensive Plan and LDC after public input has been solicited and considered and all required public hearings have been held.
  - (11) To implement the recommendations of the Econlockhatchee River Basin Task Force and Study, the City finds and determines that it is necessary and desirable to adopt the land development regulations as set forth herein which provide for minimal impact to private property rights while facilitating the protection of the Econlockhatchee River Basin and, further, finds and determines that such land development regulations shall be applied to all proposed development projects within the Econlockhatchee River Basin on a project by project basis as specified herein when those applications are processed through the established development review process and procedures of the City of Oviedo.
  - (12) Accordingly, the Council hereby finds, determines and declares that the land development regulations set forth in this section are critically important to the successful implementation of the Econlockhatchee River Basin Study in order to prevent public harms that would otherwise occur and in order to protect and preserve the future wellbeing of this regionally unique and environmentally sensitive area and natural resources.
- (B) **Creation.** In addition to, and supplemental to, all Land Development Code requirements and land development regulations heretofore or hereafter established, there is hereby created an overlay zoning classification known as the "Econlockhatchee River Protection Overlay Standards Classification." Property located within the land use regulatory jurisdiction of the City and within the Econlockhatchee River Basin, as hereinafter defined, shall be subject to the provisions and requirements set forth in this section, in addition to all underlying and overlaid zoning classifications assigned to the property by the City.
- (C) **Purpose and Intent.**
- (1) The purpose of this section is to prevent, avoid and deter public harms by protecting the public's historical interests and the future interests of the public in the important and sensitive natural resources of the Econlockhatchee River Basin ecosystem by balancing development and growth and private property rights with the public's rights and the public policy to protect environmental resources in the least intrusive manner feasible under the circumstances. The purpose of this section is also to establish general policies and guidelines for future development in the Econlockhatchee River Basin in order that the environmental integrity of the Basin will be placed in the forefront of all considerations relating to development proposed to occur in the Basin. The City

hereby finds and determines that the public has a legitimate and important interest in protecting water quality and hydrology, water quantity, wildlife habitat aesthetics, open space and historical archaeological resources and desires to implement and reaffirm the provisions of Article II, Section 7 of the Constitution of the State of Florida which provides that it shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise.

- (2) The City hereby finds and determines that the provisions and requirements of this section are consistent with the provisions of the State Comprehensive Plan (F.S. Ch. 187) relating to water resources, natural systems and recreational lands, property rights and land use and all other elements of the Plan. The City hereby further finds and determines that the provisions and requirements of this section are consistent with the Regional Policy Plan adopted by the East Central Florida Regional Planning Council and the Oviedo Comprehensive Plan. The City also hereby finds and determines that the provisions and requirements of this section are necessary to prevent public harms and for the protection of the public's health, safety, and welfare and, further, for the protection of this unique and important natural resource and ecosystem. All such findings and determinations are fully supported by the October, 1990 "Econlockhatchee River Basin Natural Resources Development and Protection Plan" adopted by the St. Johns River Water Management District. The Council hereby ratifies and adopts the recitals in Section 15.7(A), Preamble, set forth prior to this subsection as an integral part of this section.

**(D) Applicability.**

- (1) Except as otherwise provided herein, all development within the Econlockhatchee River Basin shall comply with and shall be accomplished in accordance with the requirements of this section.
- (2) Except as otherwise provided herein, this section and the provisions of this section shall apply to all development and applications for development permits (as the term "development" is defined by F.S. § 380.04, and the term "development permit" is defined by F.S. § 163.3164(8), relating to property located within the Econlockhatchee River Basin).
- (3) The provisions of this section shall not be applicable to the following projects or properties if the below listed approval was issued prior to the effective date of this section.
  - (a) Developments of regional impact that have received a final development order issued pursuant to F.S. § 380.06, which development order has not expired and is in good standing;
  - (b) Platted lots resulting from approved plats lawfully recorded and approved under the provisions of the LDC of Oviedo and applicable State law; provided, however, that this exemption shall not apply to plats of lots which are five (5) acres in size or greater; and
  - (c) Projects that have received an unexpired City approved development order and/or development permit on or before the effective date of this section and have lawfully commenced and are proceeding in good faith in the development approval process in accordance with the LDC.
- (4) Existing lawful uses of property, buildings and structures located outside of the Econlockhatchee River Corridor Protection Zone shall not be required to be removed or otherwise modified as a result of the standards or requirements set forth in this section. The destruction or temporary discontinuation of any such lawful uses, building or structure shall not prohibit the renewed use or reconstruction of the building or structure, but only in its pre-existing form; provided, however, that this provision shall not affect the operation of the Comprehensive Plan or of any land development regulation of the City; provided, further, however, that the provisions regarding non-conforming uses shall apply. The burden shall be on the applicant to demonstrate that existing land uses, buildings and structures qualify as pre-existing conditions.
- (5) The provisions of this section shall not operate to deny valid existing rights of property owners to continue the current lawful use of land located outside of the Econlockhatchee River Corridor Protection Zone as set forth above. If the provisions of this section are believed by a property owner to operate to restrict the valid and lawful existing rights of a property owner, such property owner

may apply to the City in accordance with Section 15.7(G), Review and Appeal Procedures/Use by Right, for an exemption from such provisions in order to preserve valid existing rights. It is not the intent of this provision to create new rights in property, but is only to consider existing rights in property which may have vested in a property owner. The fact that a parcel of property is assigned a particular zoning classification or land use designation on the effective date of this article does not vest any rights in the property owner owning said parcel of property.

**(E) Land Development Regulations Relating to the Entire Econlockhatchee River Basin.**

- (1) The land development regulations set forth below shall be applied to all development on a project-by-project basis utilizing the standards set forth for that portion of the project within the Econlockhatchee River Basin.
- (2) The following provisions shall apply to all development activities proposed within the Econlockhatchee River Basin:
  - (a) **Survey of Species Endangered, Threatened or of Special Concern.** A survey of those species designated as an endangered species, a threatened species or a species of special concern pursuant to, Rules 68A-27.003, 68A-27.004, 68A-27.005, Florida Administrative Code, shall be required as part of all development applications where there is a reasonable expectation as determined by the City, based upon the range and habitat within the boundaries of the property sought to be developed within the Econlockhatchee River Basin. Such surveys shall utilize the most current Wildlife Methodology Guidelines published by the Florida Fish and Wildlife Conservation Commission. If any endangered species, threatened species or a species of special concern is found to exist on a project site, any proposed development within any of the habitat of the species shall be accomplished only in such a way and utilizing only such techniques which protect the values of the habitat for such species. The applicant of the proposed development site shall provide the City with a management plan for the protection of any endangered species, threatened species or a species of special concern found to exist on the property which management plan, upon approval of the plan and the proposed development by the City, shall become part of the conditions of approval for the project which conditions shall be binding upon the developer and property owner and shall run with the land pursuant to a development order, development permit or other instrument of approval issued by the City.
  - (b) **Use of Native Plant Species in Landscaping.** Where landscaping requirements and conditions are otherwise required as part of a development approval, the development design shall include the use of native plant species and shall minimize removal of re-vegetation to the greatest extent practical as determined by the City in order to ensure that wildlife habitats will be preserved and maintained and to cause landscaped areas to blend into nearby and abutting natural areas. A listing of plants recommended for use for such landscaped areas is attached hereto as Exhibit "C" and incorporated herein by this reference thereto as if fully set forth herein verbatim.
  - (c) **Buffering between Stormwater Management System and Conservation Areas.** Sufficient separation, as determined by the City, shall be provided between stormwater management structures and conservation areas (such as, by way of example and not by way of limitation, properties assigned the Conservation land use designation pursuant to the provisions of the Comprehensive Plan, conservation easements as defined by F.S. § 704.06, and similar properties in order to ensure that no adverse impact occurs to the hydrologic regime of the conservation areas.) Stormwater retention shall not be allowed within the upland buffer.
  - (d) **Drainage.** Control of native vegetation and trees shall only be allowed where flow within the City's primary drainage system is detrimentally impeded.
  - (e) **Stormwater Management Systems.** Wet detention treatment systems, as defined and provided for in Chapter 40C-42, Florida Administrative Code, and the latest edition of The St. Johns River Water Management District's Applicant's Handbook shall be required for those areas where dry retention/detention is not possible, as determined by the City, due to limited



percolation capacity. Design of wet detention treatment systems shall be consistent with the guidelines set forth in Exhibit "D" which are hereby incorporated herein by this reference thereto as if fully set forth herein verbatim. In addition to wet detention systems, the creation of forested or herbaceous wetland areas shall be encouraged and incorporated into all system design where feasible, as determined by the City, in order to further enhance stormwater treatment while also providing wildlife habitat values.

- (f) **Buffers.** Upland buffers from property which is designated "Environmentally Sensitive" or assigned the Conservation land use designation pursuant to the Comprehensive Plan or which has been designated a conservation area, conservation easement or similar property which averages fifty (50) feet in width with a minimum of twenty-five (25) feet in width shall be provided. Whenever determined to be feasible by the City, upland buffers shall connect with each other and with larger natural systems. Density or open space credits for upland buffers shall be encouraged and may be awarded in accordance with the terms of this section. Upland buffers shall be established pursuant to the granting of conservation easements in accordance with F.S. § 704.06, and on forms acceptance to the City.
- (g) **Discharge Rates.** Peak discharge rates shall meet the requirements set forth by the SJRWMD and the Engineering Standards Manual.
- (h) **Historical and Archaeological Requirements.** All proposed development within two thousand (2,000) feet of the stream's edge of the Big Econlockhatchee River and its tributaries shall submit, as part of the development application information, a statement from the Florida Division of Historical Resources of the Florida Department of State or an archaeological consultant approved by the City describing the potential for any archaeological or historical resources to occur on the project site. If, in the opinion of the division or the City approved consultant, as the case may be, the project's location or nature is likely to contain such a resource, then a systematic and professional archeological and historical survey shall be completed by personnel approved by the City and submitted as part of the development application to the City for review and consideration as part of the material to be considered in determining whether or not to approve the development proposal. If significant archeological or historical sites are found to exist on the property, said sites shall be preserved or excavated according to current Federal and State laws and guidelines relating to such sites prior to construction on the archaeological or historical site or in any area that may reasonably be determined by the City to impact the archeological or historical site.
- (i) **Rare Upland Habitats.** Rare Upland Habitats shall be preserved in order to maintain the essential characteristics and viability of the rare habitats. When determined to be feasible by the City, property which contains Rare Upland Habitats shall be connected to other communities through preservation of land as mitigation for wetland impacts which are authorized by law. Preserved Rare Upland Habitats shall be eligible for the award of density credits in accordance with the terms of Section 15.7(H), Density Credits.

**(F) Econlockhatchee River Corridor Protection Zone Land Development Regulations.**

- (1) **Purpose.** This subsection identifies an area within the Econlockhatchee River Basin where more specific land development regulations shall apply. The determination of whether a project lies wholly or partly within this area shall be made in accordance with Section 15.7(G), Review and Appeal Procedures/Use by Right.
- (2) **Applicability.** Any development within the Econlockhatchee River Corridor Protection Zone including, but not limited to, redevelopment and agricultural and silvicultural activities, which alters or affects wetland dependent wildlife, vegetation, water quantity, water quality or hydrology, groundwater tables, surface water levels or changes the use of property shall be subject to the provisions of this section to ensure that no significant adverse effect occurs upon any of the habitats of any aquatic or wetland-dependent wildlife or any of the habitats of any species designated as an endangered species, a threatened species or a species of special concern pursuant to Rules 68A-27.003, 68A-27.004 and 68A-27.005, Florida Administrative Code; to water quality or hydrology; to water quantity; to the groundwater table; or to surface water levels. The intent of this requirement

is to minimize alterations to natural hydrologic patterns and subsequent vegetation changes. The following provisions shall pertain to properties located within the Econlockhatchee River Corridor Protection Zone:

- (a) Development activities shall not be permitted within five hundred fifty (550) feet of the stream's edge of the channels of the Big Econlockhatchee River and the Little Econlockhatchee River except for the creation of wetlands and passive recreation uses, if approved by the City, when the applicant for development approval has clearly and convincingly demonstrated to the City that said activities in these areas will not adversely affect aquatic and wetland dependent wildlife; the habitat of an endangered species, a threatened species or a species of special concern; water quality or hydrology; water quantity; groundwater tables or surface water levels. As to all other property located within the Econlockhatchee River Protection Zone, residential development at the density set forth in Section 15.7(H), Density Credits, shall be permitted consistent with the provisions of this section. Passive recreation facilities include low-activity based recreation facilities including picnic facilities (less than 0.125 FAR), hiking trails and boardwalks, fishing piers, and observation towers.
- (b) Restoration of natural hydrologic regimes and preservation of upland forested areas shall be encountered through the award of open space credits or of density credits awarded in accordance with the terms of this section. The applicant may also be awarded density credits for mitigation performed or open space donated to a water management district or another governmental entity with the concurrence of the City.
- (c) Forested habitat fragmentation shall be limited. There shall be no additional crossings by street, rail, or utility corridors of the lands located in the Econlockhatchee River Corridor Protection Zone unless the following three (3) conditions are concurrently met:
  - (i) There is no feasible and prudent alternative to the proposed crossing as determined by the City; and
  - (ii) All possible measures to minimize harm to the resources of the Econlockhatchee River Basin will be implemented; and
  - (iii) The crossing supports an activity that is clearly in the public interest as determined by the City. The use of additional crossings co-located with existing crossings shall be presumed to be the least harmful alternative. The expansion of existing crossings shall be presumed to be less harmful to natural resources than the construction of new crossings.
- (d) No encroachment (fill) shall be permitted within the one hundred (100) year floodplain (as adopted by the Federal Emergency Management Agency) of the Big Econlockhatchee River and its tributaries consistent with current City land development regulations.
- (e) New stormwater treatment facilities shall be designed in accordance with the SJRWMD and the Engineering Standards Manual.
- (f) Recreation and nature trails shall not be impervious and vehicular access shall be limited to river crossings and approved access points. Wildlife underpasses which are deemed adequate to the City shall be provided at all new or expanded river crossings. As to pre-existing approved crossings relating to streets or utilities, aerial crossings of property located within the Econlockhatchee River Corridor Protection Zone shall be encouraged.
- (g) Only residential development will be permitted with a maximum density of one (1) dwelling unit per ten (10) acres except as stated otherwise in this subsection.



**(G) Review and Appeal Procedures/Use by Right.**

- (1) The City staff shall determine the applicability of this section to property and, if an application for a development permit for a project is submitted, he or she shall determine whether the project is located to any extent within the Econlockhatchee River Basin and whether the project is located to any extent in the Econlockhatchee River Corridor Protection Zone and is, therefore, subject to the provisions of this section, and thereafter, if the proposed development is in compliance with the provisions of this section. The City staff shall expeditiously review and respond to the proposals of the applicant.
- (2) The Applicant shall submit information and documents to the City for review and consideration that shall clearly and convincingly demonstrate that the proposed development or activity is exempt from or meets the intent of the provisions of this section.
- (3) The standard of review shall be whether the submitted information and documents or the proposed development clearly and convincingly demonstrate that the property is exempt from or the project complies with the provisions of this section and all applicable laws and whether significant adverse effect occurs with regard to any habitat of any aquatic or wetland-dependent wildlife or any habitat of any species designated as an endangered species, a threatened species or a species of special concern pursuant to Rules 67A-27.003, 67A-27.004, and 67A-27.005, Florida Administrative Code; with regard to water quality or hydrology; with regard to water quality; with regard to groundwater tables; or with regard to surface water levels in order to minimize alterations to and adverse effects upon natural hydrologic patterns and resulting vegetative changes.
- (4) The following documents and information, where appropriate, shall be submitted by the applicant for consideration by the City as evidence supporting the applicant's contention that the property should be deemed exempt from the provisions of this section or to overcome the presumption of significant adverse impact as to proposed projects:
  - (a) The name, address and telephone number of the property owner;
  - (b) The Property Appraiser's tax parcel identification number or other identification of the property involved;
  - (c) The year in which the property was purchased or acquired by the current property owner;
  - (d) A specific and complete description of any alleged lawful and valid existing property right involved including, at a minimum, the date when such alleged right was acquired and any action of the City alleged to have created such right;
  - (e) The specific provisions of this section from which an exemption is sought and the minimum exemption necessary to preserve any vested right;
  - (f) A project map utilizing the Florida Land Use, Cover and Forms Classification System;
  - (g) A wildlife survey of those species designated as an endangered species, a threatened species or a species of special concern pursuant to Rules 67A-27.003, 67A-27.004, and 67A-27.005, Florida Administrative Code, utilizing the most current Wildlife Methodology Guidelines published by the Florida Game and Fresh Water Fish Commission. (This requirement may be waived by the City if determined that reliable information exists which clearly and convincingly indicates that such species are not likely to occur on the property);
  - (h) A landscaping plan depicting and describing the impacts to predevelopment plant communities and the use of suggested native species;
  - (i) As to projects located within two thousand (2,000) feet of the stream's edge of the Big Econlockhatchee River and its tributaries, a statement from the Florida Division of Historical Resources of the Florida Department of State, or a qualified archeological consultant approved by the City, describing the potential for any archeological or historical resources on the site proposed to be developed shall also be provided;

- (j) A scaled drawing of the property for which the application has been filed indicating the future land use designation of the property assigned by the Comprehensive Plan;
  - (k) A legal description of the property;
  - (l) The current zoning classification assigned to the property;
  - (m) The proposed land use designation;
  - (n) The proposed zoning classification;
  - (o) A conceptual plan of the proposed use contemplated by the application; and
  - (p) Any additional information requested.
- (5) The Applicant may appeal in adverse determination of the staff to the City Council within fifteen (15) days of issuance of the written determination by the staff. The City Council shall promptly hold a hearing on the appeal. At least ten (10) days prior written notice of the hearing shall be provided to the applicant. The City Council shall either affirm, reverse or modify the Land Use Administrator's determination of whether the property is located in the Econlockhatchee River Basin or whether the project is located in the Econlockhatchee River Corridor Protection Zone or whether the project is in compliance with the provisions of this section or as to any other matter upon which a determination has been rendered pursuant to the terms of this section.
- (6) The procedures set forth herein are supplementary and shall not relieve a property owner or a developer of property from any other development review processes, procedures or requirements.
- (7) Any property owner owning a parcel of property which was a parcel of record within the Econlockhatchee River Corridor Protection Zone prior to the effective date of this section and who owns no property to which density credits may be transferred may, notwithstanding the provisions of this section, receive a development permit authorizing the construction of one (1) single-family detached residence, consistent with the provisions pertaining to property assigned the "A" zoning classification, except that the density shall be limited to one (1) unit upon every ten (10) acres of developable property, or portion thereof, owned by the said property owner within the said zone; subject, however, to the requirements of all laws, rules and regulations affecting said property including, but not limited to, the provisions of the Comprehensive Plan and the LDC and; provided further however, that no single-family residence may be built on any parcel of a size less than five (5) acres; provided, further, however, that if a property owner owns a parcel totaling less than five (5) developable acres in size which is located solely with the Econlockhatchee River Corridor Zone said property owner may, consistent with the provisions relating to property assigned the "Agricultural" zoning classification and subject to all laws, rules, and regulations as aforesaid construct one (1) single-family detached residence on said property, provided further, however, that these provisions shall apply only to parcels of record as of the effective date of this section.

**(H) Density Credits.**

- (1) In all situations where a transfer of density is authorized pursuant to the terms of this Section, the use of a planned unit development or a development agreement, consistent with F.S. § 163.3220, et seq., shall be required to implement the usage of said density credits.
- (2) In all situations where a transfer of density is authorized pursuant to the terms of this Section, the clustering of development to preserve sensitive environmental features and to further the policies and purposes expressed in this Section shall be considered and addressed in all development orders and permits pertaining to properties to which density credits were transferred.
- (3) In all situations where a transfer of density is authorized pursuant to the terms of this section, the property to which the density has been transferred, when located within the Econlockhatchee River Basin, shall be subject to the following design guidelines and criteria which shall be implemented in the planned unit development agreement or development agreement as required herein:
  - (a) As to all development of properties receiving density credits pursuant to this Section, provisions and conditions shall be made a part of all development approvals which maintain the rural

- character of the Econlockhatchee River Basin and which maximize the compatibility of such developments with adjacent properties;
- (b) As to all properties receiving density credits pursuant to this Section as a result of property being located within the Econlockhatchee River Corridor Property Zone, only single-family detached residential uses shall be authorized with regard to the development of the portions of said properties utilizing such credits;
  - (c) As to all properties receiving density credits pursuant to this Section, all development approvals relating to said properties shall maximize, to the greatest extent authorized by law, open space and habitat preservation through the clustering of land uses;
  - (d) As to all properties receiving density credits pursuant to this Section, parcel configurations including, but not limited to, parcel length and depth, shall be evaluated to ensure compatibility between parcels and to implement adequate buffering between parcels.
  - (e) As to all properties receiving density credits pursuant to this Section, the expressed requirements, goals, policies and objectives set forth in this section shall be considered in the context of each development proposal;
  - (f) When a parcel of property is located both within and without the Econlockhatchee River Basin, the most dense part of any development approved as to said property shall, to the maximum extent feasible as determined by the City, be on the portion of the property located outside of the Econlockhatchee River Basin consistent with all land development regulations applicable to said property.
- (4) In cases where density credits are authorized pursuant to the terms of this Section, density may only be transferred from property located on the same side of a water body as the property to which the density credits are to be transferred which is physically contiguous to and in common ownership with the property from which the density was transferred. Density credits may be transferred to parcels outside of the Econlockhatchee River Basin only if such property is physically contiguous to and in common ownership with the property from which the density credit arose.
  - (5) The owner of property from which density is transferred pursuant to the terms of this Section shall record a deed or other appropriate instrument of conveyance in a form acceptable to the City in the chain of title relating to the parcel from which density is being transferred prior to the issuance of any development order or permit relating to the property to which density is being transferred. Said deed or instrument shall expressly restrict, by operation of the deed, the use of the property from which density is being transferred in perpetuity to non-development uses in accordance with the provisions of F.S. § 704.06, with such restrictions being expressly enforceable by the City.
  - (6) Only properties that are parcels of record and in common ownership as of the effective date of this section shall be eligible to be awarded density credits.
  - (7) Density credits for properties affected by the provisions of this Section shall be as follows:
    - (a) Property which is located within the Econlockhatchee River Protection Zone, but is located outside the first five hundred fifty (550) feet of the said zone, property which is dedicated for preservation as an Upland Buffer or as Rare Upland Habitats and property which is donated pursuant to this article shall receive a maximum credit of one (1) dwelling unit per each unit of acres upon which a detached single-family residence could have been constructed under the terms of the LDC of Oviedo for each unit of density which is forsaken by the property owner under the terms of the zoning classification assigned to the property;
    - (b) Properties otherwise located within the Econlockhatchee River Corridor Protection Zone shall receive a density credit of one (1) dwelling unit of density for every unit of density (construction of a detached single-family residence) that the owner could have utilized in accordance with the terms of Article IV Section 4.18, Density Transfers.

- (I) **Construction.** If there is deemed to be any conflict between the provisions of this section and the Land Development Code then the more stringent provision shall prevail and be applicable to the particular development application under review.

## SECTION 15.8 – CONSERVATION AND BUFFER EASEMENTS; TRACTS AND ZONES

- (A) **General.** Areas that are determined to be environmentally sensitive open space areas at the time of final development approval shall be designated as Conservation Easements consistent with F.S. 704.06 and shall run to the benefit of the City and are enforceable by the City. Other areas, such as buffer easements, tracts, or zones (the terms easement, tract and zone may be used interchangeably in this section) shall be afforded protection by the section and elsewhere in this article.

(B) **Purpose and Intent.**

- (1) To establish, demarcate, maintain, and monitor conservation, easements, tracts or zones in their intended state or condition to ensure the perpetual aesthetic, biological, conservation, ecological, open space, and (in some cases) historical or recreational characteristics, so that after development of adjacent or nearby areas, these areas will continue to provide as many of their original or previous functions as can reasonably be maintained.
- (2) To establish, demarcate, maintain, and monitor buffers, set forth as easements, tracts, or zones in their intended state or condition to ensure the perpetual buffer function (e.g., separate incompatible uses, to protect environmentally sensitive areas, to preserve a scenic vista, control stormwater runoff and/or flooding, allow and maintain adequate groundwater recharge, preserve open space, and provide wildlife habitat): and
- (3) To provide information to owners, developers, adjacent property owners, and applicable management associations to help ensure compliance with this section.

(C) **Restriction.**

- (1) Unless specifically stated otherwise in the dedication of the conservation or natural buffer easement, tract or zone, or in any other legal document, the destruction or removal of trees, cypress "knees," shrubs, or other vegetation, any dredge and fill, dumping, grading, mowing, or other similar activities shall be prohibited, except as permitted by the Land Use Administrator, or designee. The following may be permitted:
  - (a) Removal of invasive, nuisance or prohibited plant species after site inspection by the Land Use Administrator, or designee. A management plan, conservation plan or a restoration plan may be required by the Land Use Administrator, or designee, before commencing such work, depending on the scope and magnitude of the proposed activity.
  - (b) Clearing or tree removal, limited only to that necessary to accommodate associated construction of a boat dock or boardwalk on a waterfront lot (where these structures are specified as permissible uses), the structure not to exceed four (4) feet wide, through these conservation or natural buffer easements that extend over single-family residential platted lots that abut navigable waterway. Such clearing or tree removal shall be limited to the least necessary to provide a maximum of four (4) feet walk width. This may result in provision of a curvilinear walk or boardwalk that is located around trees and other vegetation, to minimize environmental disruption. Further, joint boardwalks along property lines will be required where practical to reduce the impact to the conservation easement, tract or area.
  - (c) Trees which pose a threat to safety or a structure may be removed from a conservation or buffer easement, tract, or zone, subject to clearly demonstrating the hazard to the Land Use Administrator, or designee, receiving written permission from the property owner (if different from the applicant), and subject to receiving an arbor environmental permit for such removal. Such removal shall be the minimum necessary to eliminate or minimize the threat.

- (d) No paving or fill shall be allowed within a conservation or natural buffer easement, tract, or zone, unless specifically authorized by an approved subdivision or site development plan or specifically approved by the City Council.

**(D) Permit Requirements.**

- (1) Conservation Easements, Tracts, or Zones. Where a proposed activity is specifically allowed in a conservation easement, tract, or zone, the applicant for any tree or vegetation removal, clearing, under brushing, grading, filling, excavating, or other site work (in these easements, tracts, or zone) shall obtain at minimum, a clearing, grading, and tree removal permit or an environmental permit, as applicable. A pre-application conference with the Land Use Administrator, or designee, may be required, depending on the nature and extent of the proposed activity. It is the obligation of the applicant to obtain and comply with all the requirements of all pertinent State and Federal permits as well as with all applicable City regulations.
- (2) The application package shall include, as a minimum, a signed and sealed survey, a clear and definitive description of the type and extent of the proposed activities and how the proposed activities (to the extent that they are proposed) are permissible uses within the conservation easement, methods of execution, vegetation and tree protection measures, and reasonably anticipated negative impacts upon listed plant and or animal species, upon adjacent properties, or upon ambient surface water quality (as applicable). The description shall include the time of year (with regard to, for example, wet or dry season and breeding season for pertinent fish and/or wildlife) that the clearing and construction is proposed to occur.
- (3) All clearing, tree removal, under brushing, excavation, filling, grading, construction, or other site activities in buffers shall be in compliance with approved site development or subdivision plans. This shall not apply to normal mowing and/or the normal maintenance of landscape plantings in landscaped or sodded areas of buffers.
- (E) New Development Subdivision, PUD plans, final plats, and site development plans, shall ensure adequate provisions to ensure conservation easements, tracts, and areas are specified adequately for area/size, composition, demarcation (in the field), maintenance/preservation, monitoring and enforcement. Buffers shall be adequately provided and maintained in their approved condition or state (e.g., natural or landscaped or some combination of the two (2)). Subdivision or PUD plans shall provide a minimum of ten (10) feet of conservation or upland buffer easement, tract, or zone, located landward of the normal high-water elevation.
- (F) Violations and Enforcement Unauthorized tree or vegetation removal or destruction dumping, mowing, the storage, sue, dumping, or other discharge of chemical, dredging filling, grading, cultivation, or any other unauthorized activity is a violation.

## SECTION 15.9 – BORROW PIT, MINING AND EXCAVATION

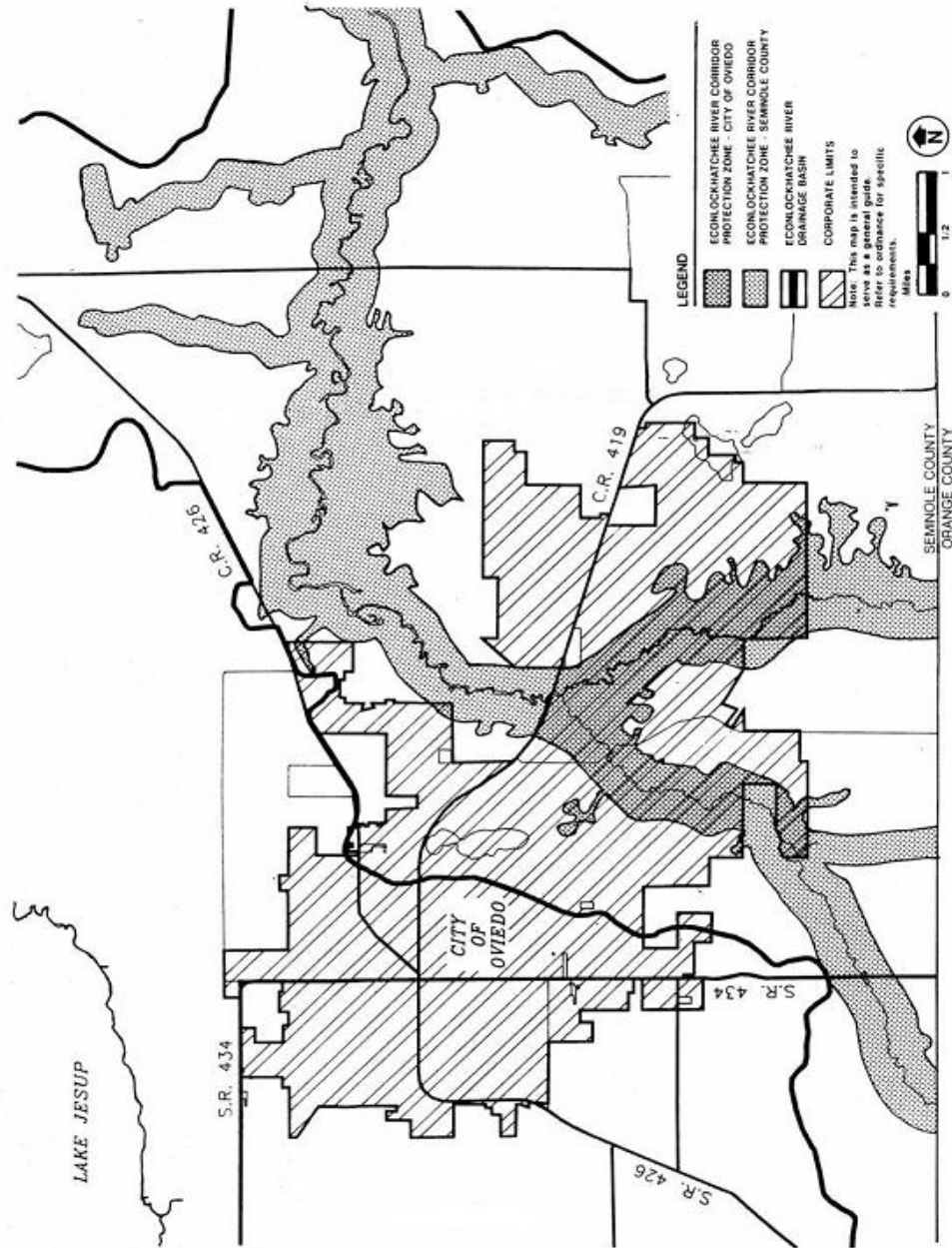
- (A) **General.** All borrow pits, mines and excavation within the corporate limits of the City of Oviedo shall meet the requirements set forth in Ordinance No. 888, the City of Oviedo Borrow Pit, Mining and Excavation Ordinance, and any and all amendments thereto.
- (B) **General Requirements for Landfills.** All types of fills may be permitted, provided they comply with the requirements herein established. Fill shall be made to a grade (elevation) established and approved by the City Council upon the recommendation of the City Engineer. In determining grades and areas to be filled, the City Engineer shall require that said fill will not obstruct or materially interfere with natural watercourses, water management or control plans, street systems, or right-of-way of any type. All landfills shall be made in accordance with the specifications herein established. Construction permits for any building on any fill, except Type I as listed below, shall be issued only on plans drawn by a Florida registered architect or engineer.
- (C) **Special Requirements for Landfills.**
  - (1) **Type I.** Landfills for construction purposes shall be a properly compacted landfill or an earth material free of roots and other vegetable matter. It will be a permitted use in any district without a



separate permit where a permit for construction has been issued, and shall be a permitted use by separate permit in any district where a permit for construction has not been issued.

- (2) **Type II.** Shall be a rubble landfill composed largely of rocks, asphalt, concrete, and other similar large type of debris. Wood material which is incidental to construction debris is not to exceed five (5) percent of the fill. Tree stumps and limbs are not permitted.
  - (a) Such fills shall be a permitted use in any district when approved by the City Council.
  - (b) City Council's approval shall be based upon the recommendation of the City Engineer, and shall consider proposed use of land for future development and depth of placement of such fill.
- (3) **Type III.** Sanitary landfill, dry refuse, shall be a type of landfill which is a layering process of covering dry refuse with equal amounts of earth according to standards established by the State of Florida Department of Health and Rehabilitative Services, and State of Florida Department of Environmental Protection.
  - (a) There shall be no burning in this type of landfill.
  - (b) Permitted only in Agriculture and Industrial zoning districts (and not in any other district under any conditions) when approved by the City council. This landfill shall comply with all setbacks, signage, fencing and other requirements of this LDC.
- (4) **Type IV.** Sanitary landfill, wet refuse, said refuse shall be a type of landfill where wet refuse or garbage is disposed of in a layering process according to standards established by the State of Florida Department of Health and Rehabilitative Services and State of Florida Department of Environmental Protection.
  - (a) There shall be no burning of the wet refuse in this type of landfill.
  - (b) Permitted only in agricultural and industrial district (and not in any other districts under any conditions) when approved by the City Council. This landfill shall comply with all setbacks, signage, fencing and other requirements of this LDC.
- (5) A permit shall be required prior to commencing any landfill operation. Permits shall be issued by the Land Use Administrator, or designee, after approval by the City Council. Topographic plans showing existing grades, and the proposed finished grades shall be placed on file in the office of the Land Use Administrator, or designee, with the approval of the City Council indicated thereon, and indicating the area to be filled. Said topographic plans shall be drawn by a registered engineer or surveyor.
- (6) At the time the application is filled out at the office of the Land Use Administrator, a nonrefundable deposit equal to one-half (½) the fee (not to exceed twenty-five dollars (\$25.00)) will be paid. Permit fees shall be twenty-five dollars (\$25.00) for the first acre of land or fraction thereof to be excavated, and five dollars (\$5.00) for each additional acre or fraction thereof. After approval of the application, and upon payment of the remaining portion of the fee and posting of any required bond, the permit will be issued at the office of the Land Use Administrator. Payment of fees and bonds shall be made at the office of the City Clerk. The amount of this fee may be changed by administrative procedures.
- (D) **Appeals Procedure.** Any person adversely affected by a decision of any City official or employee in the enforcement or interpretation of this article, may appeal such decision to the City Council who, by a majority vote, may affirm, reverse, or modify the decision.
- (E) **Non-Conforming Uses.** All pits, quarries, excavations and fills lawfully in existence prior to the effective date of this LDC may continue to be operated in accordance with previous approvals, provided that all such pits, quarries, excavations and fills shall be brought into full compliance with requirements of this LDC within five (5) years from the effective date of its adoption.
- (F) **Liberal Construction.** The provisions of this LDC shall be liberally construed in order to effectively carry out the purposes of this LDC in the interest of public health, safety, and welfare of the residents and inhabitants of the City.

# EXHIBIT "A"





## EXHIBIT “B”: NATURAL AREA LAND COVER CLASSIFICATION

<b>RANGELAND (300)</b>		
GRASSLAND (310)		
Level III:	3	<i>Grassland/Shrubland.</i> Prairie grasses occurring along the upland margins of wetland zones, and includes transitional areas between wetlands (e.g., wet prairies and cypress domes/strands) and upland forested lands, and old filed vegetative communities in upland areas, and may include sedges, wax myrtle, gallberry, and other vegetation associated with disturbed areas.
SCRUB & BRUSHLAND (320)		
Level III:	3	<i>Palmetto Prairies.</i> Includes saw palmettos, gallberry, wax myrtle and other shrubs and brush, with saw palmetto being the most prevalent plant cover inter-mixed with a wide variety of other plant species.
	3	<i>Scrub.</i> Scrub vegetation consisting primarily of xeric oak species (e.g., scrub, blue runner), shrubs (e.g., rosemary) and cacti, with a general absence of high canopy tree-type vegetation.
FORESTED UPLANDS (410)		
Minimum Criteria: A tree crown areal density (crown closure percentage of ten (10) percent or more, and are stocked with trees capable of representing a forested appearance or producing timber or other wood products.		
Level III:	4	<i>Pine Flatwoods.</i> Forested areas dominated by longleaf or slash pine, and mixtures of both pine species, with an understory of saw palmetto, wire grass, wax myrtle, fetter bush and gallberry. This category may also include small wetland areas of less than two (2) acres in area.
	4	<i>Longleaf Pine - Xeric Oak.</i> Forested areas dominated by a tree crown closure in longleaf pine (dominant overstory), with bluejack, turkey and post oak being the most prevalent understory trees, and wire grass being the dominant ground cover. This association is often referred to as a Sand Hill vegetative community.
	4	<i>Sand Pine Scrub.</i> Forested areas with dominant overstory tree crown closure consisting of sand pine, with typical understory trees consisting of myrtle oak, chapman's oak and sand live oak. Occurs on excessively well-drained sands often associated with relic dunes and marine sand deposits.
	4	<i>Pine-Mesic Oak*.</i> Forested areas dominated by one (1) or more pine species (e.g., longleaf, slash, loblolly or shortleaf) in strong association with a wide variety of mesic oaks and other hardwood species.
	4	<i>Other Coniferous.</i> Other upland forested areas, including:
		- cedar forests, and transitional pine flatwoods areas with successional hardwoods in the understory (ten (10) percent pine crown closure or more).

<b>HARDWOOD FOREST (420)</b>		
Level III:	4	<i>Xeric Oak</i> . Forested areas dominated by a crown closure of xeric oak species, including turkey oak, bluejack oak, and post oak often found adjacent to or intermixed with Longleaf Pine - Xeric Oak forests. Also referred to as sand hill forests.
	4	<i>Other Hardwood</i> . Forested areas dominated by a crown closure of upland hardwood species other than xeric oaks, including typical species such as live oak, laurel oak, water oak, magnolia, sweet gum, hickory, dogwood and maple. Mesic hardwood communities are included in this category.
	4	<i>Mesic Hardwood - Pine*</i> . Forested areas in which no single species is consistently dominant, but represents a predominantly hardwood forest in which various pine species are major associated communities.
	4	<i>Live Oak Hammock*</i> . Upland forested areas in which Live Oak is either pure or predominant in association with other hardwoods or pines.
<b>MIXED FOREST (430)</b>		
Level III:	4	<i>Mixed Forest</i> . Forested areas consisting of a mixture of upland hardwood and coniferous forest species where neither species dominate the crown closure.
<b>PLANTED FOREST (440)</b>		
Level III:	4	<i>Coniferous</i> . Forested areas created as a result of the artificial planting of coniferous seedling stock or direct seeding methods.
	4	<i>Hardwood</i> . Forested areas created as a result of the artificial planting of hardwood seedling stock or direct seeding methods.
<b>CLEAR-CUT AREAS (450)</b>		
Level III:	4	<i>Clearcut Areas</i> . Forested areas where commercial timber clearcutting and block planted timber management practices (e.g., land preparation for replanting) are evident and it is expected that the intended future use will not involve a transition to another land use category.
<b>WETLANDS (600)</b>		
<b>WETLAND CONIFEROUS FOREST (610)</b>		
Level III:	6	<i>Cypress</i> . Forested wetlands dominated by crown closure in either bald or pond cypress. Principal associated species may include maple, magnolia bay, tupelo gum or pond pine.
	6	<i>Pond Pine</i> . Forested wetlands dominated by a crown closure of pond pine.
	6	<i>Cabbage Palm-Mixed*</i> . A vegetative community consisting primarily of cabbage palms in association with pine, hardwoods or cypress. Although not strictly a wetlands community, it forms a transition between moist upland and hydric conditions.

WETLAND HARDWOOD FOREST (620)		
Level III:	6	<i>Freshwater Hardwood Swamp.</i> Forested wetlands dominated by one (1) or more hardwood species including gums, hickory, maple, bays tupelo and willow, found in river, creek, lake and pond overflow areas, and sloughs, with cypress often appearing as a secondary species.
	6	<i>Bayheads or Bay-gum Wetlands*.</i> Wetland forested areas consisting purely or predominantly of various types of bay and/or gum trees, often occurring on moist soils resulting from surficial groundwater seepage or shallow surface depressions. Understory vegetation, when present, may include gallberry, wax myrtle and other shrub species.
WETLAND MIXED FOREST (630)		
Level III:	6	<i>Mixed Wetland Forest.</i> Forested wetlands containing a mixture of coniferous and hardwood vegetative tree types, where neither tree type is dominant. When more than one-third (1/3) intermixture occurs, the mixed classification will be applied.
WETLAND VEGETATED NONFORESTED		
Level III:	6	<i>Freshwater Marsh.</i> Wetland marshes which are subjected to permanent or prolonged period of inundation or saturation, and/or exhibit wetland vegetation communities characteristic of this type of hydroperiod, and will consist of one (1) or more of the following plant types: sawgrass, cattail, bulrush, maidencane, pickeralweed, and water lilies.
	6	<i>Wet Prairies*.</i> Wetland depressions which are subjected to periodic inundation and exhibit wetland vegetative communities consisting of various types of grasses, sedges, rushes, shrubs and herbs in varying combinations, and are distinguished from freshwater marshes by having less water and a predominantly grassy or low shrubby appearance.
NOTE: The Level III Land Use and Cover classifications used above are from The Florida Land Use and Cover Classification System: A Technical Report, Florida Division of State Planning, April 1976, with the exception of those classifications followed by an Asterisk (*), which have been derived from Florida Land Use, Cover and Forms Classification System, Florida Department of Transportation, September 1985. The Level III classifications obtained from the FDOT Classification System are intended to supplement the Level III FDSP classifications in terms of providing more precise ecosystem identifications.		

**EXHIBIT "C"**

FLORIDA NATIVE PLANT SOCIETY  
935 Orange Avenue  
Winter Park, Florida 32789

**SELECTED NATIVE PLANTS RECOMMENDED FOR LANDSCAPING IN CENTRAL FLORIDA**

SCIENTIFIC NAME	COMMON NAME
<b>TREES</b>	
ACER RUBRUM	RED MAPLE
AGARISTA POPULIFOLIA SYN. LEUCOTHOE	FT. LEUCOTHOE
CELTIS LEVAEGATA	HACKBERRY
CERCIS CANADENSIS	REDBUD
CHIONANTHUS VIRGINICUS	FRINGE TREE
CORNUS FLORIDA	FLOWERING DOGWOOD
CRATAEGUS SPP.	HAWTHORN
GORDONIA LASIANTHUS	LOBLOLLY BAY
ILEX CASSINE	DAHOON HOLLY
ILEX OPACA	AMERICAN HOLLY
ILEX VOMITORIA	YAUPON
JUNIPERUS SILICICOLA	SOUTHERN RED CEDAR
LIQUIDAMBAR STYRACIFUA	SWEET GUM
LIRIODENDRON TULIPFERA	TULIP TREE
LYONIA FERRUGINEA	RUSTY LYONIA
MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA
MAGNOLIA VIRGINIANA	SWEET BAY
MORUS RUBRA	RED MULBERRY

SCIENTIFIC NAME	COMMON NAME
MYRICA CERIFERA	WAX MRYTLE
OSMANTHUS AMERICANUS	WILD OLIVE/DEVILWOOD
PERSEA HUMILUS	SILK BAY
PERSEA BORBONIA	RED BAY
PINUS CLAUSA	SAND PINE
PINUS ELLIOTTII	SLASH PINE
PINUS PALUSTRIS	LONG LEAF PINE
PLATANUS OCCIDENALIS	SYCAMORE
PRUNUS ANGUSTIFOLIA	CHICKASAW PLUMB
PRUNUS CAROLINIANA	CHERRY LAUREL
QUERCUS GEMINATA	SAND LIVE OAK
QUERCUS LAURIFOLIA	LAUREL OAK
QUERCUS MYRTIFOLIA	MYRTLE OAK
QUERCUS NIGRA	WATER OAK
QUERCUS VIRGINIANA	LIVE OAK
SABAL PALMETTO	CABBAGE PALM
TAXODIUM ASCENDENS	POND CYPRESS
TAXODIUM DISTICHUM	BALD CYPRESS
VACCINIUM ARBOREUM	SPARKLEBERRY
VIEURNIUM OBOVATUM	WATERS VIBURNIUM
<b>SHRUBS</b>	
ARONIA ARBUTIFOLIA	RED CHOKEBERRY
BEFARIA RACEMOSA	TAR FLOWER
CALLICARPA AMERICANA	BEAUTY BERRY

SCIENTIFIC NAME	COMMON NAME
ERYTHRINA HERBACEA	CORAL BEAN
EUONYMUS AMERICANUS	STRAWBERRY BUSH
GARBERIA FRUTICOSA	GARBERIA
ILEX AMBI GUA	CAROLINA HOLLY
ILEX GLABRA	GALLBERRY
ILICUM PARVIFLORUM	STAR ANISE
LYONIA LUCIDA	SHINY LYONIA
RHAPIDOPHYLLUM HYSTRIX	NEEDLE PALM
RHODODENDRON VISCOSUM	SWAMP AZALEA
RHUS COPALLINA	WINGED SUMAC
SERENOA REPENS	SAW PALMETTO
VACCINIUM MYRSINITES	FL. EVERGREEN BLUEBERRY
<b>VINES</b>	
CAMPSIS RADICANS	TRUMPET VINE
GELSEMIUM SEMPERVIRENS	YELLOW JESSAMINE
LONICERA JAPONICA	JAPANESE HONEYSUCKLE
LONICERA SEMPREVIRENS	CORAL HONEYSUCKLE
PARTHENOCISSUS QUINQUEFOLIA	VIRGINIA CREEPER
VITIS ROTUNDIFOLIA	MUSCADINE GRAPE
<b>FLOWERS, HERBS, GROUNDCOVERS</b>	
ALETRIS LUTEA	COLIC ROOT
ARISAEMA TRIPHYLLUM	JACK-IN-THE-PULPIT
CALAPOGON TUBEROSUS	GRASS PINK
GAILLARDIA SP.	BLANKET FLOWER

<b>SCIENTIFIC NAME</b>	<b>COMMON NAME</b>
HELIANTHUS SPP.	BLACK-EYED SUSAN
HYMENOCALIS CRASSIFOLIA	SPIDER LILY
LILIUM CATESBAEI	PINE LILY
LUPINUA SIDDUUAUA	LUPINE
NEPHROLEPIS EXALTATA	SWORD FERN
OSUNDA REGALIS	ROYAL FERN
PASSIFLORA INCARNATA	PASSION FLOWER
POLYPODIUM AUREUM	GOLD FOOT FERN
PTERIS VITTATA	LADDER BRAKE FERN
RUELLIA CARCLINIENSIS	WILD PETUNIA
SATUREJA RIGIDA	PENNYROYAL
SPIRANTHES LANCEOLATA	RED LADIES' TRESSES
THELYPTERIS TORRESIANA	MARIANA MAIDEN FERN
TRADESCANTIA OHIENSIS	SPIDERWORT
VIOLA LANCEOLATA	BOB WHITE VIOLET
WOODWARDIA AREOLATA	NETTED CHAIN FERN
YUCCA FILAMENMTOSA	BEAR GRASS
ZAMIA SP.	COONTIE

#### **EXHIBIT "D"**

##### **WET DETENTION SYSTEMS**

Systems shall be in compliance with Chapter 40C-4 F.A.C. with the following amendments:

Within the River Corridor Protection Zone, an off-line system will be utilized.

The maximum length to width ratio for detention ponds will be 10:1 with a minimum of 3:1.

#### **EXHIBIT "E"**

##### **ECONLOCKHATCHEE RIVER BASIN STUDY**

(See Exhibit "B" of Ordinance No. 854)



**EXHIBIT "F"**  
**ECONLOCKHATCHEE RIVER TASK FORCE RECOMMENDATIONS**  
(See Exhibit "C" of Ordinance No. 854)

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# Article XVI: Utilities

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## SECTION 16.1 – UTILITY OWNERSHIP AND EASEMENT RIGHTS

In any case in which a developer installs or causes the installation of potable water, landscape irrigation facilities, sewer, electrical power, traffic signals, street lighting, gas, fiber optic, communication or cablevision facilities, and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

## SECTION 16.2 – SEWAGE DISPOSAL FACILITIES REQUIRED

- (A) **Adequate Sewage Disposal System.** Every public and private residential or commercial development shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable City, Florida Department of Environmental Protection (FDEP) and Seminole County Department of Health (DOH) health regulations.
- (B) **Compliance with Department of Health and Florida Department of Environmental Protection Regulations.** Seminole County Health Department and Florida Department of Environmental Protection regulations shall govern all commercial and residential on-site sewer treatment and disposal systems.
- (C) **Installation and Dedication of Dry Sewer Lines.** All new development shall install and dedicate to the City dry sewer lines in accordance with an approved development order if sewer service is not available.
- (D) **Dedication of Improvements to the City.** All new wastewater collection, pumping and transmission, treatment, infrastructure in the public right-of-way or a public easement shall be dedicated to the City.
- (E) **New Development to Fund Improvements.** New development shall fund the cost of required capacity expansions, and/or extension of central sewer lines.
- (F) **Capacity Requirements.** Development orders shall not be issued and rezoning shall not be approved without certification that adequate sewer service is available, however this does not reserve capacity. Capacity shall be purchased before it can be reserved.
- (G) **Package Treatment Plants.** Individual package treatment plants are prohibited.
- (H) **Mandatory Connections to Central Sewer.** Every residence and building located within the City shall be connected to a City sanitary sewer system. If sewer service is not available, an on-site sewer treatment and disposal system may be permitted on an interim basis if deemed appropriate by the Land Use Administrator or designee to be consistent with other objectives and policies of the Comprehensive Plan.
- (I) **Prohibited Locations.** Individual and package wastewater treatment systems are prohibited in wetlands, floodplains, water supply wells, and buffer areas surrounding surface water bodies.
- (J) **Basin Management Action Plan (BMAP).** If septic is required for new construction on lots of one (1) acre or less in a Basin Management Action Plan (BMAP) area, a nutrient-reducing system shall be installed onto the traditional on-site sewage treatment and disposal system in accordance with State legislation.
- (K) **Econlockhatchee River.** All development within two thousand (2,000) feet of the Econlockhatchee River is required to utilize a central sewer collection and treatment system.
- (L) **Construction Standards.** Construction standards and other requirements are included in the Engineering Standards Manual and Oviedo Code of Ordinances Chapter 54.

## SECTION 16.3 – POTABLE WATER SERVICE REQUIRED

- (A) **Adequate Potable Water Service Required.** Every public and private residential or commercial development in the City shall be served by a potable water supply system that is adequate to

accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable City and Florida Department of Environmental Protection (FDEP) regulations.

- (B) **Dedication of Improvements to the City.** All new potable water system improvements required for development shall be dedicated to the City as a condition of receiving service.
- (C) **New Development to Fund for Improvement.** New development shall fund the cost of required capacity expansion and/or extension of potable water lines that it requires.
- (D) **Extension of System to Accommodate Future Service.** New development shall extend distribution lines along the entire property frontage to accommodate service to adjacent properties.
- (E) **System Looping.** All developments shall require a minimum of two (2) points of connections to the City potable water system, and internal system looping wherever practicable to increase overall capacity and service.
- (F) **Construction Standards.** Construction standards and other requirements are included in the Engineering Standards Manual and Oviedo Code of Ordinance Chapter 54.

#### SECTION 16.4 – WATER DISTRIBUTION SYSTEMS

- (A) **Potable Water Flow Demand.** Normal flow demands for design shall be calculated on the basis of full ultimate development as known, or projected. The average daily flow for domestic use shall be calculated at the minimum rate of one hundred (100) gallons per day per capita, with three and one-half (3.5) persons per single-family residence. Flow demands for commercial, industrial or other special developments shall be based on City Resolution No. 2507-12 or latest version. Special consideration for the use of historical flows may be considered on a case-by-case basis.
- (B) **Construction Standards.** Construction standards and other requirements are included in the Engineering Standards Manual and the Oviedo Code of Ordinance Chapter 54.

#### SECTION 16.5 – FIRE HYDRANTS AND FIRE FLOW REQUIREMENTS

- (A) **Fire Hydrants Required.** Every development (subdivided or unsubdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.
- (B) **Location of Fire Hydrants.** The Fire Chief shall determine the precise location of all fire hydrants subject to the other provisions of this section. In general, fire hydrants shall be placed six (6) feet behind the curb line of publicly dedicated streets that have curb and gutter and at property lines of non-curbed public dedicated streets. Hydrant spacing requirements are located in the Engineering Standards Manual.
- (C) **Design Standards.** The Fire Chief shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the Fire Chief, all hydrants shall have two (2) two and one-half-inch (2 ½) hose connections and one (1) four and one-half-inch hose connection. The two and one-half-inch hose connections shall be located at least twenty-one and one-half (21½) inches from the ground level. All hydrant threads shall be national standard threads. The minimum fire flow shall be seven hundred fifty (750) g.p.m. with twenty (20) psi residual pressure in single-family residential areas and one thousand two hundred fifty (1,250) g.p.m. with twenty (20) psi residual pressure for other development consistent with the Engineering Standards Manual.
- (D) **Potable Water Lines.** Potable water lines that serve hydrants shall be at least eight-inch lines, or a six-inch loop that provides the minimum flow requirements, and, unless no other practicable alternative is available, no such lines shall be dead-end lines.
- (E) **Construction Standards.** Construction standards and other requirements are included in the Engineering Standards Manual and Oviedo Code of Ordinances Chapter 26.

## SECTION 16.6 – LANDSCAPE IRRIGATION

- (A) **General.** New Development shall install landscape irrigation that correlates to the water use zones listed in Article XII Section 12.7, Florida-Friendly Landscape <sup>TM</sup>, and complies with the terms of this Section.
- (B) **Dedication of Reclaimed Water System Improvements.** New development shall install and dedicate to the City a reclaimed water system, including distribution mains and services for irrigation in accordance with the Engineering Standards Manual.
- (C) **Extension of System to Accommodate Future Service.** New development shall extend distribution lines along the entire property frontage, to accommodate service to adjacent properties.
- (D) **System Looping.** System looping is required wherever practicable to increase overall capacity and service.
- (E) **Potable Water Irrigation.** The use of potable water for irrigation is prohibited.
- (F) **Mandatory Reclaimed Water Irrigation.** If an existing reclaimed water system is within one hundred (100) feet of a new development, the development shall connect to the existing reclaimed water system.
- (G) **Augmentation.** Augmentation of all non-reclaimed water irrigation systems with reclaimed water is prohibited unless approved by the Land Use Administrator, or designee.
- (H) **Alternative Water Irrigation.** The following types of alternative water irrigation are permitted within the City. Additional types of alternative water irrigation are prohibited unless approved by the Land Use Administrator, or designee.
  - (1) Stormwater Irrigation
  - (2) Shallow Groundwater Well Irrigation
  - (3) Surface Water Irrigation
- (I) **Irrigation System.**
  - (1) The Irrigation system shall be designed and constructed in accordance with the technical standards contained in the Florida Building Code and the latest edition of the Standards and Specifications for Turf and Landscape Irrigation Systems published by the Florida Irrigation Society. Inc. Irrigation plans shall be designed to recognize differential irrigation requirements of any proposed landscaping as described in Article XII, Section 12.7, Florida-Friendly Landscaping <sup>TM</sup> Program.
  - (2) **Equipment Standards.** Rotor heads shall only use a maximum of twelve (12) gallons of water per minute and spray heads shall use a maximum of 0.33 gallons per minute.
- (J) **Construction Standards.** Construction standards and other requirements are included in the Engineering Standards Manual.

## SECTION 16.7 – LIGHTING REQUIREMENTS

- (A) **General.** Exterior lighting shall provide adequate illumination to safely guide vehicles and pedestrians into, out of, and within a site, and deter vandalism. Exterior lighting sources shall render colors faithfully so that pedestrians and vehicle operators are able to distinguish colors and differentiate objects within their field of vision and be arranged so as to eliminate glare on-site and spillover onto adjacent properties, public streets and highways. Light sources shall be provided at regular intervals to provide consistent illumination where required.
- (B) **Exemption from Spillover Standard.** Lighting for parks and public street lighting in the right-of-way at all times shall be exempt from the spillover standard.

(C) **Prohibitions.** The following shall be prohibited:

- (1) Lighting within any lot that unnecessarily illuminates any other lot and substantially interferes with the use or enjoyment of such other lot is prohibited.
- (2) Lighting within any lot that is used as a form of advertising in a manner that is not compatible to the neighborhood or draws considerably more attention to the lot at night than in the day.
- (3) Lighting within any lot that is garish or detrimental to the environment.
- (4) Neon, multicolored, flashing or intermittent lighting except as permitted by Article XIV, Section 14.6(B) Prohibited Signs.
- (5) Illumination of the awning of any building.
- (6) The location of lighting fixtures within a buffer yard.

(D) **New Installations; General Requirements.**

- (1) **Lighting Plan Required.** Each development order final engineering, right-of-way permit and site construction permit application shall include an exterior lighting plan prepared by a Florida registered engineer. At a minimum, the lighting plan shall meet the requirements of this section and depict the following:
  - (a) Location of lighting fixtures.
  - (b) Height of light poles.
  - (c) Type of pole.
  - (d) Type of base.
  - (e) Type of lighting fixtures.
  - (f) Levels of illumination.
  - (g) Color of light.
  - (h) Deflector and beam direction.
  - (i) Area to be lighted by each lighting fixture.
  - (j) Ensure that trees do not conflict with lighting fixtures and poles.
- (2) **Certification of Performance.** An exterior lighting installation shall not be approved until a notarized letter of compliance signed by a Florida registered engineer is submitted stating that the installation has been field checked and meets the requirements of this section.
- (3) **Fixture Type.** All exterior lighting installations shall use concealed source fixtures. These shall be cut off type fixtures in which the lenses do not project below the opaque section of the fixture. Fixture styles shall be consistent throughout the site and selected for their aesthetic value as well as their functional value.
- (4) **Color/ or Kelvin Scale.** Color of light shall be consistent throughout the site and selected for its aesthetic as well as its functional value. To reduce glare and adverse effects on wildlife and human circadian cycles, outdoor lighting shall have a correlated color temperature (CCT) no higher than 3000 K (up to 3220 K actual measured value — ANSI C78.377).
- (5) **Illumination of Streets, Sidewalks and Common Areas.** All public streets, sidewalks, and other common areas or facilities shall be sufficiently illuminated at the developer's expense to ensure the security of property and the safety of persons using such streets, sidewalks and other common areas or facilities.

(E) **Innovative Lighting.** If the applicant proposes an innovative lighting design that does not comply with non-quantifiable standards, the applicant shall provide a justification, and the proposal shall be



submitted to the City Council for approval based upon an evaluation of the aesthetic of the design and its overall consistency with the proximate architectural features.

(F) **Specific Regulations for Outdoor Lighting Plans.** Outdoor lighting plans shall conform to the following regulations where applicable:

(1) **Right-of-Way (ROW) Lighting.**

- (a) All lighting located within the right-of-way shall be ground-mounted and shall have a fluted base.
- (b) All lighting fixtures in public rights-of-way shall use Light Emitting Diode (LED) lighting.
- (c) All lighting fixtures and poles in public rights-of-ways shall be provided by the Developer and shall be dedicated to the City.

(2) **Pedestrian Area Lighting.** Walkway, bikeway, and trail lighting, except for bollard lamps, shall conform to the following:

- (a) Provide at least 0.2 foot-candles of illumination, but not exceed 2.5 foot-candles. Walkways, bikeways, and nature trails may be exempted from this minimum illumination level by the planning official, if they find that the natural environmental objectives and purposes of the walkway, bikeway, or trail would be unreasonably compromised by this minimum lighting requirement and that the location and environmental design of the path reasonably provides natural surveillance and otherwise protects public safety;
- (b) Have a maximum height of sixteen (16) feet;
- (c) Fixtures shall be decorative in appearance, style, and finish.
- (d) Bollards shall be mounted no higher than four (4) feet above grade and shall not exceed nine hundred (900) lumens for any single lamp.

(3) **Parking Lots.** To avoid conflict in layout, parking lot lighting shall be coordinated with the parking lot's landscaping. Parking lot lighting shall conform to the following regulations:

- (a) Provide at least 0.6 foot-candles of illumination, but not to exceed 3.6 foot-candles. Areas of a parking lot adjacent to a building canopy, porte-cochere, or other illuminated building overhang may exceed 3.6 foot-candles if the luminance otherwise complies with this part; and
- (b) Have a maximum height of twenty-five (25) feet.

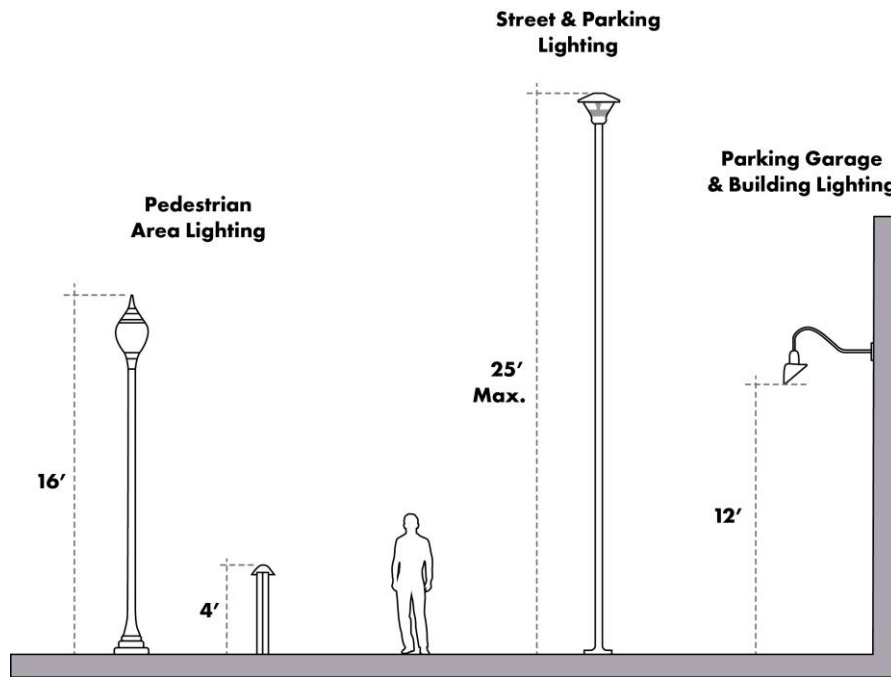
(4) **Canopied Areas for Vehicles.** Light fixtures in canopied areas for vehicular use such as drive through facilities, gas stations, porte-cocheres, and in building canopies and awnings within vehicle use areas shall be recessed or cutoff fixtures, and shall conform to the following regulations:

- (a) Illumination at ground level under canopies may not exceed twenty (20) foot-candles;
- (b) Canopy fascia may not be internally lit;
- (c) Luminaires in canopies may not rely on surrounding structures, including canopy edge, for required shielding.

(5) **Parking Garages.** Light for parking garages shall be designed to have no visible glare emitted from each intermediate story and shall incorporate low wall mount or similar fixtures on the exterior perimeter of the top level of the garage. Internal fixtures on the top level shall be installed no more than 12 feet above the floor surface and shall provide shielding to minimize visibility from neighboring properties.

(6) **Recreational Areas.** Lighting for football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, and similar facilities may exceed the maximum height allowed herein upon written authorization of the Land Use Administrator, or designee. Such authorization may only be granted upon a finding that a greater height will not have a significant effect on the residents of the City of Oviedo.

Figure 16.7.1: Lighting



## SECTION 16.8 – ELECTRIC POWER

Every principal use in the City and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

## SECTION 16.9 – COMMUNICATIONS SERVICE

Every principal use in the City and every lot within a subdivision shall have available to it a communication service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

## SECTION 16.10 – UNDERGROUND UTILITIES

Except as provided herein, all electric power lines, communication, gas distribution, and cable television lines within new development shall be placed underground in accordance with the specifications and policies of the respective utility service providers. The underground installation of bulk electric supply lines, including transmission lines shall not be required. Transformers or enclosures containing electrical equipment including, but not limited to, switches, meters, meters, or capacitors may be pad mounted above ground.

Within Target Areas (GW, MHC, and PD) and Downtown Districts (DN, CA, and DC), utilities shall be placed underground.

## SECTION 16.11 – UTILITIES TO BE CONSISTENT WITH INTERNAL AND EXTERNAL DEVELOPMENT

- (A) **Located to Serve Future Development.** Whenever it can reasonably be anticipated that utility facilities constructed in one (1) development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., potable water, reclaimed water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or

unnecessary duplication of service. To ease future connections to other properties, utility lines shall be extended to the property line whenever feasible and subject to the provisions of the ESM.

- (B) **Minimum Interference with Improvements.** All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.
- (C) **Sewer System Conversion Requirements.** All developments shall comply with Chapter 54 of the Code of Ordinances.

## SECTION 16.12 – RECORD DRAWINGS REQUIRED

Whenever a developer installs or causes to be installed any utility line, other than cabled utilities, in any public right-of-way, the developer shall, as soon as practicable (but no longer than two (2) weeks) after installation is complete, and before acceptance of any potable water, reclaimed water or sewer line, furnish the City with a copy of a record drawing that includes approved plans and specifications identifying substantial deviations referenced in the certificate of completion of construction that has occurred since the construction permit was issued. The Land Use Administrator, or designee, may require as-built drawings showing the exact location of such utility lines if there are apparent discrepancies. Such drawings shall be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

## SECTION 16.13 – SITES FOR AND SCREENING OF REFUSE/RECYCLING COLLECTION CONTAINERS

- (A) **Provision of Refuse/Recycling Collection Containers.** Every development that, under the City's solid waste collection policies, is or will be required to provide one (1) or more refuse/recycling collection containers for solid waste collection shall provide sites that are:
  - (1) Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way and
  - (2) Constructed according to specifications established by the Land Use Administrator, or designee, to allow for collection without damage to the development site or the collection vehicle.
- (B) **Screening of Refuse/Recycling Collection Containers.** All such refuse/recycling collection containers shall not be visible from public rights-of-way, pedestrian areas and adjacent residential properties. Screening shall be a minimum of one (1) foot greater in height than the area/equipment which it screens. Structural screening shall be consistent with the architectural elements, materials and colors of the primary structure. Whenever practicable, these areas should be integrated into the main structure.

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# Article XVII: Recreational Facilities and Open Space

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## SECTION 17.1 – GENERAL OPEN SPACE

- (A) **Intent.** The intent of this section is to ensure that all development meets open space requirements to provide recreational amenities and environmental benefits. Open Space shall refer to any portion of a parcel, or area of land or water (up to 10% of the requirement), which is open and unobstructed from the ground to the sky, including areas maintained in a natural and undisturbed character and areas which are permeable in nature.
- (1) Mixed-Use developments permit specific types of impervious programming to count as open space.
  - (2) Developments within the Downtown Core and Downtown Transition future land use designations are exempted from the General Open Space requirements.
- (B) **Design of Open Spaces and Recreational Areas.** Open spaces and recreational areas are encouraged to be designed to use topographic, natural, and/or historic site features to enhance the aesthetics of the site.
- (C) **Open Space Requirement.** All development shall maintain a portion of the development site as open space according to the following minimum percentages:

TABLE 17.1.1: MINIMUM OPEN SPACE REQUIREMENTS	
Development Type	Minimum Open Space Required
Single and Two-Family Residential	25%
Multifamily Residential	25%
Non-Residential	25%
Planned Unit Development	25%
Any development in the Downtown Core and Downtown Transition	0% <sup>1</sup>

<sup>1</sup> Except that mini-parks are required for residential development projects in the Downtown Core and Downtown Transition.

- (D) **Types of Open Space.** The following may be included in the retained open space required in Section 17.1(C), Open Space Requirement:
- (1) Mini-Parks and usable open space required for residential developments;
  - (2) Retained native vegetation;
  - (3) Fifty (50) percent of areas paved with permeable materials shall be considered open space and may account for up to ten (10) percent of the required open spaces.
  - (4) The pervious portion of yards;
  - (5) Fifty (50) percent of the area above the control water elevation within stormwater retention ponds when they are unfenced, curvilinear rather than rectangular in shape, accessible to the neighborhood, and landscaped sufficiently to be enjoyable passive open space areas;
  - (6) Required buffer yards;
  - (7) Required upland buffers adjacent to wetlands or other environmentally sensitive areas;
  - (8) Qualifying water areas, including natural water bodies, wetlands, and stormwater retention areas may account for up to ten (10) percent of the open space requirements; and
  - (9) Publicly accessible plazas, courtyards, labyrinths, and civic space within mixed-used development that create a walkable environment.

- (E) **Lakefront.** Lakefront developments shall provide common lake access available to at least the residents of the development.

## SECTION 17.2 – RECREATION AREAS REQUIRED

- (A) **Intent.** To provide adequate active recreational facilities which serve the residents of the immediately surrounding neighborhood within the development, recreation areas shall be provided for all residential development.

- (1) Residential developments in the Downtown Core and Downtown Transition future land use designations are exempted from the Mini-Parks requirements in Section 17.2(B)(1) and the 5% of usable open space detailed in Section 17.2(B)(2).
- (2) Mixed-Use developments are subject to the Mini-Parks requirements in Section 17.2(B)(1) but exempted from the useable open space requirements detailed in Section 17.2(B)(2).
- (3) Residential developments outside of the Downtown Core and Downtown Transition future land use designations are subject to the Mini-Parks requirements in Section 17.2(B)(1) and the usable open space requirements in Section 17.2(B)(2).
  - (a) Subdivided residential developments of less than twenty-five (25) dwelling units are exempted from the 5% of usable open space detailed in Section 17.2(B)(2).

- (B) **Recreational Area Required for All Residential Development.** Subject to Section 17.2(D), Fees-in-Lieu-of Dedication, all residential development shall provide (through dedication or reservation; see Section 17.4, Ownership and Maintenance of Recreational Areas and Required Open Space) recreational areas in the form of mini-parks (active recreation) and usable open space (passive recreation).

- (1) Mini-Parks shall be provided for in an amount equal to the following:

TABLE 17.2.1: MINI-PARK REQUIREMENTS	
Development Type	Mini-Park Requirement
Single Family Residential	200 sq. ft. per lot
Multifamily Residential	75 sq. ft. per unit
Mixed-Use	75 sq. ft. per unit

\*Mini-Park requirements are in addition to the general open space requirements listed in 17.1(C), Open Space Requirements.

- (2) Usable Open Space shall be provided equivalent to at least 5% of the total land area of the development. This useable open space requirement counts towards the general open space requirements in 17.1(C), Open Space Requirements.
- (C) **Location of Open Spaces and Recreational Areas.** For Multifamily Residential, Mixed-Use, and Townhome developments, programmed open spaces and recreational areas shall be centrally located and shall be visually and physically connected to a street. If it is not possible to provide a centrally located recreational area, justification shall be provided by the applicant and the alternative proposal shall be subject to approval by the Land Use Administrator, or designee.
- (D) **Fees-In-Lieu-of Dedication.** The City Council recognizes that recreation areas shall be of a certain minimum size to be usable and will not serve the intended purposes unless properly maintained. As used herein, the term development refers to the entire project developed on a single tract or contiguous multiple tracts under common ownership, regardless of whether the development is constructed in phases or stages. Residential developments of less than twenty-five (25) dwelling units shall be required to pay a fee in the form of a fee in lieu of dedication of land. The fee amount shall be adequate to acquire an amount of land equivalent to the amount that would have been required to meet the adopted standard. The fee amount shall be reviewed annually and revised as needed to cover the actual cost of land acquisition.



- (E) **Types of Mini-Parks.** The following are illustrative of the types of facilities that shall be deemed to serve active recreational needs, and therefore, to count toward satisfaction of the mini-park requirements of this article:

- (1) Tennis courts, racquetball courts, basketball courts, pickleball courts, volleyball courts;
- (2) Swimming pools;
- (3) Sauna and exercise rooms;
- (4) Meeting or activity rooms within clubhouses; and
- (5) Playgrounds.

The total acreage of mini-parks may be divided into areas of not less than two thousand (2,000) square feet.

- (E) **Types of Usable Open Space.** The following are illustrative of the types of facilities that shall be deemed to serve passive recreational needs, and therefore, to count toward satisfaction of the usable open space requirements of this article:

- (1) Community gardens;
- (2) Outdoor Labyrinths;
- (3) Nature Trails: paved or natural;
- (4) Picnic Areas;
- (5) Camping Areas;
- (6) Landscaped areas programmed with seating or resting opportunities; and
- (7) Terraced seating around a stormwater pond.

- (F) **Exemptions.** Subdivided residential developments of less than twenty-five (25) dwelling units are exempt from the requirement of five (5) percent useable open space unless the City agrees that it will accept an offer of dedication of such open space, and in that case the offer of dedication shall be made.

### SECTION 17.3 – OWNERSHIP & MAINTENANCE OF REC. AREAS & REQUIRED OPEN SPACE

- (A) **Ownership of Open Space to Stay with Developer.** Unless otherwise required by City Council, recreation facilities and usable open space required to be provided by the developer in accordance with this article shall not be dedicated to the public, but shall remain under the ownership and control of the developer (or his successor) or a homeowners' association or similar organization that satisfies the criteria established in Section 17.4, Homeowners' Associations.
- (B) **Maintenance of Open Space.** The person or entity identified as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.

### SECTION 17.4 – HOMEOWNERS' ASSOCIATIONS

- (A) Homeowners' associations or similar legal entities that are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:
- (1) Provisions for the establishment of the association or similar entity are made before any lot in the development is sold or any building occupied;
  - (2) The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities; and

- (3) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

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# Article XVIII: Basic Definitions and Interpretations

## ARTICLE XVIII. BASIC DEFINITIONS AND INTERPRETATIONS

### **Abandoned Application**

An application shall be deemed abandoned when no activity occurs for twelve (12) consecutive months. The Land Use Administrator, or designee, shall issue a notice of abandoned application to the applicant. Any submittal after the issuance of a notice of abandoned application shall constitute a new application.

### **Abated Application**

An application shall be deemed abated when no activity occurs for six (6) consecutive months. The Land Use Administrator, or designee, shall issue a notice of abated application to the applicant. Any submittal after the issuance of a notice of abated application shall require the payment of an abated application fee and shall comply with any amendments to this LDC, the Engineering Standards Manual, or Florida Fire Prevention Code adopted after the last review of the application.

### **Access Point**

A vehicle or pedestrian connection intersecting a public or private right-of-way.

### **Accessory Structure**

Buildings or structures that are secondary and subordinate to the principal building or use on the same lot including, but not limited to, swimming pools, cabanas, screen enclosures, refuse areas, mechanical equipment, boat docks, detached structures, walls and fences, etc.

### **Accessory Use**

The use of a structure of a nature customarily incidental and subordinate to the principal use. No accessory structure will be allowed unless the principal use is in place or permitted.

### **Addition, Building**

Any construction that adds or enlarges the size of an existing building. Additions also include any extension or increase in floor area, or height of building or structure. Examples of an addition are: porch, carport, new room, room configuration, etc.

### **Adjacent Areas**

The transition zone between wetlands and upland communities where the following development activities may be regulated:

- (a) Bulkheading (impounding, interrupting or diverting surface water).
- (b) Drainage ditches.
- (c) Dredging.
- (d) Filling.
- (e) Hazardous material (storage, use or disposal of any hazardous material).
- (f) Solid waste disposal.
- (g) Stormwater retention/detention basins.

The adjacent area is that area with a direct groundwater or surface water influence on the wetland where development activities listed above may have an adverse impact on wetlands. In the absence of sufficient information to determine the adjacent area, the area will be defined as all property within three hundred (300) feet of the wetland boundary.

### **Adult Entertainment**

Any establishment defined within Ordinance No. 893 of the City of Oviedo as it may be from time to time amended.

### **Adult Family-Care Home**

A full-time, family-type living arrangement, in a private home, under which a person who owns or rents the home provides room, board, and personal care, on a 24-hour basis, for no more than five (5) disabled adults or frail elders who are not relatives (F.S. § 429.65).

### **Adverse Impact to a Wetland**

The diminishing of wetland functions caused by a development activity as defined by the regulatory authority.

**Affected Property Owner**

Any person who resides, owns property, or owns a business within two hundred (200) feet of a property under consideration for development approval by the City.

**Alcoholic Beverages**

All beverages containing alcohol of more than one (1) percent by weight.

**Alley**

Right-of-way providing a secondary means of access and service to abutting property.

**Alternative Energy**

Alternative energy refers to energy that uses non-fossil fuel sources, such as, but not limited to, solar energy, wind energy, and geothermal energy.

**Antiquated Subdivision**

A subdivision that was recorded before the date of the original enactment of the City's Subdivision Regulations by Ordinance No. 210 on March 1, 1971.

**Applicant**

A person or entity which submits an application for development approval to the City, and the person or entity's successors and assigns.

**Approval Authority**

Individual or committee authorized to approve submittals based on standards provided in the LDC and Comprehensive Plan.

**Architectural Articulation**

Articulation includes architectural elements used to define the shape and volume of a building, bringing interest to the composition of the façade(s).

**Architectural Elements**

Architectural elements are the details and component parts that, together, form the unique characteristics of buildings and structures. Elements like line, shape, volume, color and texture are combined to make formal compositions in an architectural design, creating pattern, rhythm, symmetry, balance, contrast, proportion, theme, and unity.

**Artwork**

This includes but is not limited to murals, drawings, paintings, frescos, sculptures, mosaics, photographs, work of calligraphies, works of graphic art, works in clay, textile, fiber, wood, metal, plastic, glass, and like materials, or mixed media (including a collage, assemblage, or any combination of the foregoing art media).

**Artisan Food Production**

Establishments that can manufacture artisan food on a small scale such as, but not limited to, breads, cheeses, charcuterie, pasta, and sweets, not to exceed seventy-five (75) percent of the business square footage. These establishments shall include a tasting room and retail space to sell the local production for consumption on the premises and off premises, along with retail items and food.

**Assisted Living Facility**

Any building or buildings, section or distinct part of a building, boarding home, home for the aged, or other facility, whether operated for profit or not, which are licensed pursuant to F.S. Ch. 400, Part III Home Health Agencies.

**Automatic Irrigation Controller**

A timer, capable of operating solenoid valves, to set days and lengths of time for proper application of water, in each irrigation zone.

**Bar or Cocktail Lounge**

Any business or establishment devoted primarily to the retailing and on-premises consumption of malt, vinous, distilled, or other alcoholic beverages. Micro-breweries, micro-distilleries and micro-wineries are not considered bars or cocktail lounges.

**Base Flood Elevation (BFE)**

The elevation of surface water resulting from a flood which has a one percent (1%) chance of equaling or exceeded that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM).

**Bed and Breakfast Facility**

An owner-occupied house, or portion thereof, where short-term lodging and meals are provided for compensation. Meals can only be served to the guests. Restaurants are permitted separately if the zoning district allows it.

**Best Management Practices (BMPs)**

A practice or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies, preventing pollution, and protecting natural resources.

**Bicycle Keyhole Lane**

A bicycle lane located between a through lane and a parking lane, bus bay, turn lane, or merge lane.

**Bicycle Lane**

A bicycle facility which is physically separated from motorized vehicular traffic by a physical barrier and which is either within the highway right-of-way or within an independent right-of-way. Conflicts with motorized traffic are minimized.

**Bicycle Parking Facility**

A portion of either the vehicle accommodation area or another area designed exclusively for parking bicycles, where the user can lock the frame and both wheels to a stationary object using a lock provided by the user.

**Bicycle Shared Lane (Sharrows)**

A travel lane shared by both cars and bicycles with or without markings.

**Bicycle Shared Use Path**

Shared use paths are paved facilities separated by vehicular traffic by an open space or barrier and are either within the highway right-of-way or an independent right-of-way.

**Blank Wall**

A wall of a building without architectural elements.

**Block Perimeter**

The total length of a line enclosing the block along rights-of-way and lot frontages.

**Boarding House**

(See Rooming House.)

**Boat Dock**

Any structure to which a vessel can be moored and that affords access to a vessel on or over submerged lands (all those lands lying waterward of the mean high-water level) from the adjacent upland property. The term boat dock is synonymous with dock, pier, access pier, terminal platform, mooring pilings, and boathouse, constructed alone or in any combination.

**Boat House**

A shed or other covered or uncovered structure located at the edge of a river, lake, pond or other water body used for housing boats and other water vessels or watercrafts. The boathouse may be a component of a boat dock.

**Boat Ramp**

Any structure, clearing, or artificially stabilized area that extends to or waterward of the normal high-water elevation for the purpose of launching and/or retrieving motorized watercraft.

**Boat Terminal (Terminal Platform)**

A covered or uncovered deck, building, or structure designed to serve or accommodate passengers and provide an area where passengers can board and alight the boat or vessel.



**Building**

A structure designed to be used as a place of occupancy, storage or shelter and includes any substantial structure which by nature of its size, scale, dimensions, bulk or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, gas pumps and overhead canopies or roofs shall be deemed to fall within this description.

**Buildable Area**

The portion of a lot remaining after required setback, open space, and buffer requirements have been satisfied.

**Building Frontage**

The length of a building along a right-of-way.

**Building Frontage, Active**

Building frontage where there is an active engagement between those in the street and those on the ground floors of buildings. This quality is assisted where the front façade of buildings, including the main entrance, faces and open towards the street.

**Building Height**

The vertical distance between the average finished ground grade and the top of the ceiling plate on the top floor of the building.

**Building, Principal**

A building in which is conducted the main or principal use of the lot on which said building is located.

**Camouflage (or Stealth) Communication Tower or Antennae**

A communication tower or antennae designed to merge and blend into and conform to appearance with existing surroundings. An example of a camouflage communication tower would be a tower that is constructed in the form and shape of a tree in order to appear to be part of a forested area or a tower constructed to appear to be or to actually be a component of a bell tower or to be constructed to be or appear to be a component of a church steeple in order for the tower to be or appear to be part of these more aesthetically pleasing structures. An example of a camouflage antenna would be an antenna with a color or appearance similar to a wall of a building or structure on which it is to be affixed, or an antenna located inside or on top of an existing structure such as an existing church steeple or an existing light pole.

**Canoe Launch**

Any structure, clearing, or artificially stabilized area that extends to or waterward of the normal high-water elevation for the purpose of launching and/or retrieving canoes, rafts, or other non-motorized watercraft.

**Car Share**

A fee-based or membership-based service that provides all qualified drivers access to dedicated vehicles. Vehicles are available twenty-four (24) hours, seven (7) days a week at unattended self-service locations. No separate written agreement is required each time a customer uses a vehicle. Vehicle usage is provided at minute, hourly and/or 'per mile' rates that include insurance and maintenance.

**Change in Use**

A change in use from one (1) principal use category to another that increases the density/intensity to such an extent that the impacts of development are increased.

**Chemical Supplier**

(Definition for wellfield protection purposes only) means the agents, distributors, and dealers who store or warehouse:

- (a) Hazardous/toxic waste products;
- (b) Acutely hazardous waste with a hazard code of "H" as defined in Title 40, CFR, Chapter I, Subchapter I, Part 261, Section 261.3; or
- (c) Those substances on the List of Highly Hazardous Chemicals, Toxics and Reactives as set forth at 29, CFR, 1910.119, Appendix A.

**Child Care in the Home**

A use in a structure in which the owner or tenant of the structure resides and provides supervision and temporary care for six (6) children or less, including those who are related by blood, marriage or are the legal wards or foster children of the owner/resident.

**Circulation Area**

That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

**Cistern**

Cistern refers to a container (underground or not) that is used for collecting and storing rainwater.

**City of Oviedo Downtown Master Plan**

A currently effective plan of the City of Oviedo approved by the City Council on October 21, 2002, and subsequently amended on July 21, 2003 and July 15, 2020, as may be further amended from time to time.

**Civic and Cultural Uses**

Includes public uses, parks, libraries, museums and community centers, and such other similar uses as interpreted by the Land Use Administrator, or designee. Civic and cultural uses do not include places of worship and schools.

**Coffee Shop**

A type of retail that sells coffee drinks, sandwiches, small plates, and prepared food. No cooking is performed on-site.

**Commercial Subdivisions**

Comprised primarily of commercial lots within areas zoned commercial or office. Streets within commercial subdivisions are typically classified as commercial.

**Common Area**

Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the owners, occupants, and their guests of the development.

**Communication Antennae**

One that is designed to transmit or receive communications as authorized by the Federal Communications Commission.

**Communication Tower**

A building or ground mounted tower which is greater than thirty-five (35) feet in height, as measured from the finished grade of the parcel, does not exceed three hundred (300) feet in height (including antenna), and is principally intended to support communication (transmission or receiving) equipment for radio, TV, microwave, cellular and similar communication purposes. The term communications tower shall not include amateur radio operators' equipment licensed by the Federal Communications Commission (FCC). Communication towers are generally described as either monopole (free standing), guyed (anchored with guy wires) or self-supporting (square, triangular or pyramidal in plain view and constructed of steel lattice, tubular steel, reinforced concrete or wood).

**Community Residential Home**

A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents (F.S. § 419.001). Community Residential Homes of six (6) or fewer residents shall be deemed a single-family unit and a noncommercial, residential use.

**Commemorative Plaques**

A commemorative plaque is a plate of metal, ceramic, stone, wood, or other material that is typically attached to a wall, stone, post, or other vertical surface and that bears text and/or an image to commemorate or identify one (1) or more persons, an event, a former use of the place, or some other thing

as a place worthy of visit. Commemorative plaques may include commemorative signs/plates, historic signs, historic markers, trail markers or signs that provide information on the history of the trail or native flora and fauna in the area or along the trail, and public art identification plaques.

**Comprehensive Plan**

A currently effective plan of the City of Oviedo adopted and regularly amended in accordance with F.S. Ch. 163.

**Continue in Good Faith**

As used in this LDC, shall mean that the final development order has not expired and that no period of more than six (6) months passes without permit activity. Permit activity shall include application and/or approval of subsequent final development orders or other permits required for project completion as well as any active communication with Staff.

**Controlled Access Facility**

As defined by Florida Statutes, a street or highway to which the right of access is highly regulated by the governmental entity having jurisdiction over the facility in order to maximize the operational efficiency and safety of the high-volume through traffic utilizing the facilities. Owners or occupants of abutting lands and other persons have a right of access to and from such facilities at such points only and in such manner as may be determined by the governmental entity. All State streets and/or divided highways shall be controlled access facilities for the facilities for the purposes of this LDC.

**Convenience Store with Fuel Stations**

A retail store with fuel sales that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase relatively few items. It is designed to attract a high volume of stop-and-go traffic.

**Crematorium**

Land use related to property, structures and other appurtenances and improvements on land used solely for the incineration of dead human or dead animal carcasses for funeral or burial purposes.

**Cross-Access**

A driveway or pathway connecting adjacent properties typically accompanied by a cross-access easement.

**Cross-Block Pedestrian Passage**

Passages that are required to provide pedestrian access through long blocks.

**Cul-de-sac**

A local street having one end open to vehicular traffic and the other end permanently closed with a vehicular turn-around.

**Day Care Center**

Any child care arrangement that provides day care on a regular basis for five (5) or more children under the age of six (6) years. Certification by the Florida Department of Health and Rehabilitative Services is required.

**DBH: Diameter at breast height.**

The average diameter of the trunk of a tree measured at four and one-half (4½) feet above natural grade.

**Density**

The number of dwelling units per net buildable acre. Net buildable acres are defined as the number of upland acres within the boundary of a development excluding acreage devoted to waters of the state, wetlands, and lakes. Thus, the maximum number of dwelling units that a development can accommodate shall be calculated by multiplying the net buildable acreage by the residential density rounded down.

**Department**

The City of Oviedo Development Services Department or other department or agency as designated by the City Manager.

**Developer**

Any person or legal entity who is responsible for any undertaking that requires a development order.

## Development

The carrying out of any building activity or operation, the making of any material change in the use or appearance of any structure or land, or the subdividing of land.

(a) The following activities, operations or uses shall be taken for the purposes of this definition to involve development; provided, however, that a reference to any specific activity, operation or use is not intended to mean that the activity, operation or use, when part of other activities, operations or uses is not intended to limit the generality of the first sentence of this definition:

- (i) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
- (ii) A change in the intensity of use of land such as, by way of example and not limitation, an increase in the number of dwelling units in a structure or on land or material increase in the number businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- (iii) Alteration of a shore or bank of a body of water.
- (iv) Commencement of excavation in nature of a borrow pit or similar activity on a parcel of land.
- (v) Demolition of a structure.
- (vi) Clearing of land as an adjunct of construction.
- vii) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- (viii) All other activities, operations, or uses customarily associated with the above activities, operations, or uses unless otherwise specified in this LDC.

(b) The following activities, operations or uses shall not be taken for the purpose of this definition to involve development:

- (i) Work by a highway or street agency or railroad company for the maintenance or improvement of a street or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
- (ii) Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, wastewater, reclaimed water or potable water, for the purpose of inspecting, repairing, renewing, constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.
- (iii) The lawful use of any land for the purpose of growing plants, crops, trees, and other agricultural or forest products; raising livestock; or for other agricultural purposes.
- (iv) The improvement of land or the construction of a structure for a City public facility or project; provided, however, that this provision shall not be interpreted as the City asserting exemption from any Federal, State, or regional, or County permitting requirement as may be applicable to a particular project.

## Development Agreement

- (a) **Statutory Development Agreement.** An enforceable agreement between the City and a developer including agreements adopted pursuant to F.S. Ch. 163.3220, and an agreement or development order issued pursuant to Ch. 380, F.S.
- (b) **Non-Statutory Development Agreement.** A development agreement between the City and Developer entered into under the authority home rule powers of the City under Article VIII, Section 2 of the Constitution of the State of Florida, F.S. Ch. 166.

## Development, Low Impact

Low Impact Development (LID) refers to systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat. At both the site and regional scale, LID practice aims to preserve, restore and create green space using soils, vegetation, and rainwater harvesting techniques. LID is an approach to land

development (or re-development) that works with nature to manage stormwater as close to its source as possible.

**Development Order**

An order granting, denying, or granting with conditions an application for a development project or activity.

**Development Permit**

A development permit is a document issued by the City which authorizes the actual commencement of land alteration or building construction.

**Development Site**

The property under consideration for a development application of which may contain one (1) or more lots and/or buildings.

**Discontinued Sign**

A sign that is no longer being used or operated or is associated with a business or product that has ceased operations.

**Drainage Connection**

Any structure, pipe, culvert, device, paved or unpaved area, swale, ditch, canal, or other feature whether natural or created which is used or functions as a link or otherwise conveys stormwater runoff or other surface water discharge.

**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 dripline area shall in no case be less than that area described by a radial dimension of one (1) foot for each one (1) inch of trunk radius.

**Drive-In Restaurant or Refreshment Stand**

Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises. Drive-in restaurants and refreshment stands shall not mean or include pick-up windows as defined by this LDC, and said definitions shall be mutually exclusive.

**Driveway**

That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

**Drought Tolerant Landscaping**

Plants, that once established, survive on natural rainfall with occasional irrigation during dry periods as defined by the Florida-Friendly Landscaping™ Plant Guide.

**Dry Cleaner**

Any industrial or commercial activity using Volatile Organic Compounds (VOCs) in an installation to clean garments.

**Dry Cleaner Drop Station**

A retail establishment that acts as a collection point for the drop-off and pick-up of garments or other fabrics that are sent to a dry-cleaning facility for processing.

**Dwelling**

- (a) **Single-Family.** A detached residential dwelling unit on a single lot other than a mobile home, designed for and occupied by one (1) family only which includes a kitchen and permanent facilities for living, sleeping, and sanitation.
- (b) **Duplex.** A detached residential building containing two (2) dwelling units on a single lot, designed for occupancy by not more than two (2) families, containing either a common wall or ceiling/floor.
- (c) **Attached Single Family, also known as Townhomes.** Three (3) or more dwelling units which share a common wall or walls and have ground-floor entrances to every unit. One (1) townhome

per lot shall be considered single-family residence and multiple townhomes on a lot shall be considered multifamily.

- (d) **Detached Dwellings.** Single-family dwelling units which are not attached to other buildings.
- (e) **Accessory Dwelling Unit.** A separate residential dwelling unit, but not a mobile home, located on the same lot as a primary single-family dwelling unit, with a separate entrance, kitchen, sleeping area and full bathroom facilities, which is attached or detached. An accessory dwelling unit (ADU) has specific standards in this LDC and does not count for density purposes. The same as an ancillary dwelling unit.
- (f) **Multiplex.** Multiplex is a mixture of typologies (attached or detached) of three (3) to eight (8) dwelling units per lot.
- (g) **Multifamily Dwellings.** Residential construction consisting of one or more buildings, on a single lot, in which nine (9) or more units are located in a single building and in which multiple units share an entrance or entrances are located above the first floor including, but not limited to, garden apartments, residential towers and multiple upper-story residences which are located in mixed-use buildings.

### **Dwelling Unit**

A building consisting of one (1) room, or rooms connected together constituting a separate, independent housekeeping establishment. Said enclosure shall contain independent sleeping, kitchen and bathroom facilities designed for and used, or held ready for use, as a permanent residence by one (1) family.

### **Easement**

Any strip or parcel of land dedicated for public or other private utilities, drainage, sanitation or other specified uses having limitations. The title shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

### **Econlockhatchee River Basin Affected Area**

The area over which this section shall be applicable shall be that portion of the Econlockhatchee River Basin within the boundaries of Oviedo, Florida. For the purposes of this section, the "Econlockhatchee River Basin" shall mean and be referred to as those lands within Oviedo which are described in Exhibit "A". The determination as to whether a development project is within the Econlockhatchee River Basin shall be made pursuant to the Land Development Code. All property that is within the Econlockhatchee River Basin, but is not within the "Econlockhatchee River Corridor Protection Zone", but shall not be subject to the provisions of this overlay zoning classification relating to properties located within the Econlockhatchee River Corridor Protection Zone which provisions shall only apply to properties located within said zone. The Land Development Code shall not be construed to prohibit the transfer of density credits to properties located outside the Econlockhatchee River Basin when such properties are physically contiguous to property located in the Basin, are in common ownership with property located within the Basin and together formed a single parcel of record as of the effective date of this section.

### **Econlockhatchee River Basin Rare Upland Habitats**

Those vegetative communities identified by the City as scrub, Longleaf Pine - Xeric Oak, Sand Pine Scrub, Xeric Oak and Live Oak Hammock. Those vegetative communities are defined in the Florida Land Use Cover and Forms Classification System which is published by the Florida Department of Transportation and is attached hereto as Exhibit "B" which is incorporated herein by this reference thereto as if fully set forth herein verbatim.

### **Econlockhatchee River Corridor Protection Zone**

The "Econlockhatchee River Corridor Protection Zone" is hereby established which includes the following areas:

- (a) The main channels of the Big Econlockhatchee River and its tributaries as graphically depicted on or listed in Exhibit "A";
- (b) All property located within the first one thousand one hundred (1,100) feet landward as measured from the stream's edge of the main channels of the Big Econlockhatchee River and Little Econlockhatchee River;
- (c) All property located within the first five hundred fifty (550) feet landward as measured from the stream's edge of the tributaries of the Big Econlockhatchee River;



- (d) Notwithstanding the above physical descriptions of the Econlockhatchee River Corridor Protection Zone, the Zone shall extend to and contain at least fifty (50) feet of uplands property which is landward of the landward edge of the wetlands abutting the main channels of the Big Econlockhatchee River and its tributaries;
- (e) Provided, however, that only property located within the Econlockhatchee River Basin shall be deemed to be located within the Econlockhatchee River Corridor Protection Zone.

**Econlockhatchee River Stream's Edge**

The waterward extent of the forested wetlands abutting the Big Econlockhatchee River or its tributaries. In the absence of forested wetlands abutting the Big Econlockhatchee River or its tributaries, the stream's edge means the mean annual surface water elevation of the stream; provided, however, that if hydrologic records upon which the City can rely upon are not available, the landward extent of the herbaceous emergent wetland vegetation growing in the Big Econlockhatchee River or its tributaries shall be considered to be the stream's edge.

**Elevation**

The measurement of height above sea level.

**Emitter**

A device that applies irrigation water. This term is primarily used to refer to the low flow rate devices used in micro-irrigation systems.

**Entertainment Uses**

Include theaters, playhouses, concert halls, social clubs, banquet facilities, amphitheaters and attendant uses, nightclubs, bars, dance halls, video arcades, and like uses in which the principal function of the use is to provide entertainment to its patrons. Entertainment uses do not include recreational uses.

**Event**

Any organized or planned gathering, assembly, or activity occurring on public or private property that is intended for a specific purpose or audience and is expected to attract a substantial number of participants or attendees. This includes, but is not limited to, festivals, parades, concerts, markets, exhibitions, sporting events, and similar activities that may impact traffic, public safety, or the use of public spaces.

**Façade**

The plane of a building that includes elements of the building below the roofline.

**Façade, Primary**

The plane of a building that faces a right-of-way or has the primary entrance.

**Façade, Rear**

The plane of a building that is not a primary or secondary façade.

**Façade, Secondary**

The plane of a building that is not a primary façade and either is visible from a right-of-way or has a secondary or tertiary entrance.

**Family**

One (1) or more persons related by blood, marriage, or adoption, exclusive of family servants, occupying a single dwelling unit, and living as a single household unit as distinguished from a group occupying a boarding house, lodging house, hotel or motel, or fraternity or sorority. A number of persons, not exceeding three (3), occupying a dwelling and living as a single household unit, though not related by blood, marriage or adoption, shall be deemed to constitute a family.

**Fenestration**

Doors, windows, and other openings in a building exterior façade for the intended purpose of letting light and air into a building's interior.

**Financial Feasibility**

In accordance with F.S. § 163.3164(32), means that sufficient revenues are currently available or will be available from committed funding sources for the first three (3) years, or will be available from committed or planned funding sources for years four (4) and five (5), of a five-year capital improvement schedule for



financing capital improvements, such as ad valorem taxes, bonds, State and Federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the Comprehensive Plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the five-year schedule of capital improvements. The requirement that level-of-service standards be achieved and maintained shall not apply if the proportionate-share process set forth in F.S. § 163.3180(12) and (16) is used.

### **Flag**

The following definition shall apply in all zoning districts:

"A horizontally displayed piece of cloth, fabric or other flexible and unframed material, usually rectangular, of distinctive color and design, normally used as a symbol, standard, signal, or emblem. Flags of a nation, state or City; an organization of nations, states or cities; fraternal, religious or civic organizations; corporate entities; or persons or entities to make a statement of expression that are displayed in a number that is authorized by this LDC are not considered as a sign or attention-getting device as defined in this Code. Flags shall be flown and displayed on a flagpole."

### **Flagpole**

A freestanding structure or a structure attached to a building/structure or to the roof of a building/structure if approved by the City during a development order or building permit approval process and used for the purpose of displaying flags. Flagpoles shall be maintained to ensure structural integrity and are prohibited and unlawful if in a nuisance or dilapidated condition.

### **Flashing**

Production of brief flashes of light, in less than four-second intervals, and includes the term stroboscopic.

### **Floodplain**

Any land area susceptible to being inundated by water from the one-hundred-year flood. As used in this LDC, the term refers to lands lying within the flood hazard areas delineated on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) and Floodway and Flood Boundary Maps. Flood plain areas are also designated in the Comprehensive Plan. If the FEMA/FIRM maps are over five (5) years old and significant development has occurred in the watershed area, actual field conditions will be surveyed by the Applicant. Findings of the survey shall be provided to the FEMA for use in updating their maps. The "floodplain" designation shall be removed for floodplain areas that have been altered in accordance with this LDC, or other sections of this LDC, so that the elevation no longer falls within the floodplain.

### **Floodway**

The channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

### **Floor Area, Gross**

The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls.

### **Floor Area Ratio (FAR)**

The ratio that when applied to the developable lot acreage provides the maximum allowable square footage for a building structure. Parking Garages are not included in the calculation of the Floor Area Ratio.

### **Florida-Friendly Landscaping™ Program (FFL)**

Quality landscapes that conserve water and protect the environment and are adaptable to local conditions and which are drought tolerant. The principles of FFL include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance (as provided for in F.S. § 166.048(1)(b) and F.S. § 373.185(1)(b)).

### **Fraternity or Sorority House**

A dwelling or combination of dwellings on a single lot occupied and maintained exclusively for college,

university or professional school students who are affiliated with a social, honorary or professional organization recognized by the college, university or professional school.

**Front Building Line**

A line which runs parallel to the front lot line and touches the exterior wall of the building at the point where it is closest to the front lot line.

**Front Foot, Property**

Each foot, or portion thereof, measured along the right-of-way where the subject property abuts said right-of-way.

**Front Foot, Building**

Each foot, or portion thereof, of a building measured along the plane of the building which faces the primary frontage. Where buildings form an "L" or "U", all main entry sides are measured.

**Furnishing Zone**

The area of a public right-of-way, typically located between the curb and the pedestrian walkway, that is designated for the placement of street furniture, landscaping, street trees, lighting, signage, and other amenities. The furnishing zone generally provides a buffer between pedestrian traffic and vehicular traffic and contributes to the overall functionality and aesthetics of the streetscape.

**Garage, Mechanical**

A building or portion thereof, other than a private garage or service station, designed or used for repairing.

**Garage, Private**

An accessory building or an accessory portion of the principal building designed or used for inside parking of motor vehicles owned by the occupants of the building to which it is accessory.

**Glare**

The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or loss in visual performance or visibility. The two (2) types of glare are as follows:

- (a) **Disability Glare.** Glare that reduces the ability to see or identify objects.
- (b) **Discomfort Glare.** Glare that produces ocular discomfort, but does not reduce the ability to see.

**Greenway**

A green space consisting of a corridor in largely natural conditions, which may include trails for bicycles and pedestrians.

**Gross Leasable Area (GLA)**

The area of a retail use that is assigned to stores, excluding exits, corridors, and open space.

**Ground Mounted Equipment**

Any equipment that is affixed to the ground and extends above the natural grade.

**Habitable Space**

A space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, screen enclosures, storage or utility space, and similar areas are not considered habitable space.

**Hazardous, Non-Bulk Consumer Commodities**

Consumer commodities that are packaged and distributed in a form intended for, or suitable for sale through retail sales. To determine if a particular hazardous material qualifies as a consumer commodity, refer to the section number in 49, CFR, Section 172.101 Hazardous Materials Table for that material.

**Healthy Community Design**

Healthy community design links the traditional concepts of planning (such as land use, transportation, community facilities, parks, and open space) with health themes (such as physical activity, public safety, healthy food access, mental health, air and water quality, and social equity issues).

**Home-Based Business (Office of Convenience)**

An office use where the owner conducts business consistent with State laws.

**Household Hazardous Waste**

Hazardous waste generated by individuals on the premises of a residence for individuals (a household) and composed primarily of materials found in the wastes generated by consumers in their homes.

**Hotel**

A building or a group of buildings containing sleeping accommodations or efficiency units in which transient guests are lodged on a short-term basis. (For the purposes of this ordinance, hotel and motel shall have the same meaning.)

**Household Unit, Single**

The occupants shall share the entire dwelling unit. A unit in which the various occupants act as separate roomers beyond the definition of "family" will not be deemed to be occupied by a "single household unit."

**Improvements**

Street pavement, curbs, and gutters, sidewalks, water mains, reclaimed mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments, permanent control points and any other construction required by the City.

**Independent Care Living Facility**

Retirement communities, congregate living or senior apartments, that are designed specifically for independent senior adults who are able to live on their own, but desire the security and conveniences of community living. Some communities offer an enriched lifestyle with organized social and recreational programs as a part of everyday activities (congregate living or retirement communities), while others provide housing with only a minimal amount of amenities or services (senior apartments). Communities can be either "age inclusive" or "age exclusive." Age inclusive communities attract retirees, but do not have age-requirements whereas age exclusive communities do have senior age-requirements (usually age fifty-five (55) and older). For the purposes of this LDC, Independent Care Living Facility is considered a multifamily use.

**Industrial, Light**

Manufacturing, repairing (not including automobiles or heavy machinery), compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like, where character of operations, emissions and byproducts do not create adverse effects beyond the boundaries of the property. Typically used in conjunction with live-work units.

**Industrial Park**

A tract of land that has been planned, developed, and operated as an integrated facility for a number of separate industrial uses with supporting ancillary uses, and open space all designed, planned, constructed, and maintained on a coordinated basis.

**Industrial Subdivisions**

Comprised primarily of industrial lots within areas zoned industrial. Streets within industrial subdivisions are typically classified as commercial.

**Intensity**

It is measured by the floor area ratio applied to the developable acreage that provides the maximum total square footage a developer is allowed to build. Intensity is used for non-residential uses.

**Irrigation System**

Application of water by artificial means other than natural precipitation. A permanent watering system designed to transport and distribute water to plants as a supplement to natural rainfall.

**Irrigation Zone**

A control valve circuit containing emitters, sprays and/or rotors with consistent application rates.

**Joint Use Connection**

A single connection point that serves as a connection to more than one (1) property or development, including those in different ownerships or in which access rights are provided in the legal descriptions.

**Kennel**

A place where dogs and other small animals and house pets are kept, sheltered, boarded, bred, or groomed for compensation.

**Land Use Administrator (LUA)**

The City Manager or designee.

**Landscaped Area**

An area consisting of any combination of grass, ground covers, shrubs, vines, hedges, trees, or other horticultural elements, berms and complementary structural landscape architectural features, such as, rock, fountains, sculpture, decorative walls and tree wells.

**Landscape Plant Zone**

An area with a grouping of plants with similar water and agricultural (sunlight, soil, etc.) needs. Plant groupings based on water use are low, medium and high.

**Light Industrial**

Manufacturing, repairing (not including automobiles or heavy machinery), compounding, assembly, processing, preparation, packaging or treatment of articles, foods, components, products, clothing, machines and appliances and the like, where character of operations, emissions and byproducts do not create adverse effects beyond the boundaries of the property.

**Line of Sight:**

The hypotenuse of the sight triangle.

**Live Work Units**

Units that include a complete dwelling unit with kitchen and bathroom, as well as space suitable for running a business, provided that the business is a permitted or lawfully approved use in the zoning district. To qualify as a live/work unit, the live/work unit shall be occupied entirely by a single occupant.

**Livestock**

All animals of the equine, bovine, or swine class including, but not limited to goats, sheep, mules, horses, hogs, cattle and other grazing animals.

**Loading Space, Off-Street**

An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise.

**Lot**

A parcel of land of at least sufficient size to meet minimum respective zoning requirements. Such lot shall have frontage on right-of-way and may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of complete lot(s) of record, of complete lot(s) of record together with portion(s) of lot(s) of record, or of portion(s) of lot(s) of record;
- (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

**Lot Boundary Line**

The perimeter of a parcel of land.

**Lot Frontage**

The front of a lot shall be construed to be the portion nearest to the right-of-way. For the purposes of determining setback requirements on corner lots and through lots, all sides of a lot adjacent to a right-of-way shall be considered frontage.

## Lot Measurements

- (a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (b) Width of a lot shall be considered to be the distance between the side lot lines measured at the front building line and parallel to the front lot line.

## Lot of Record

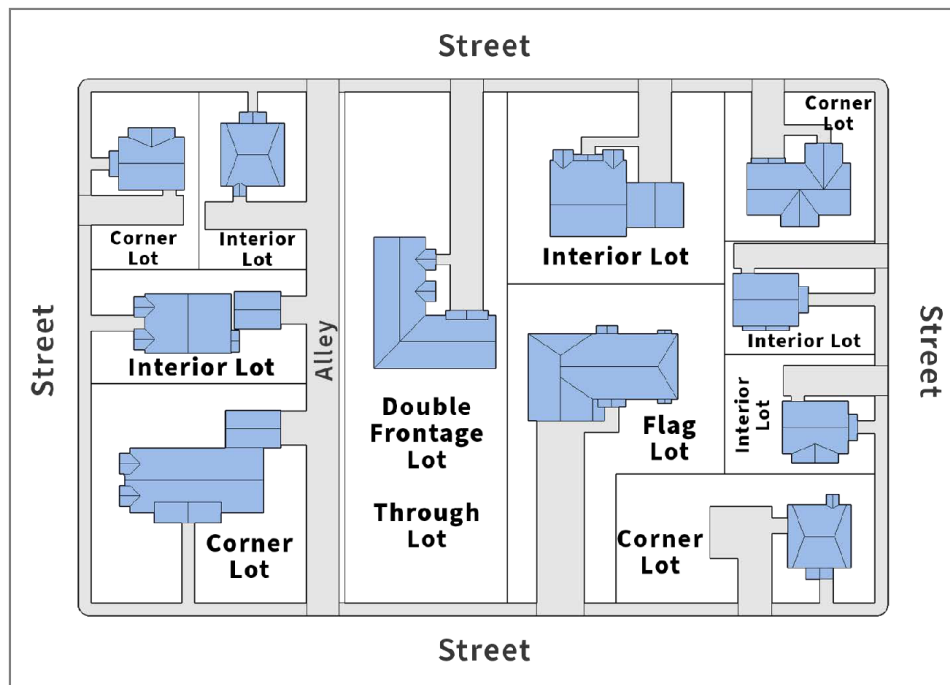
A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

## Lot Types

The following types of lots are defined to clarify terminology used later in this LDC:

- (a) **Corner Lot.** A lot at the intersection of two (2) or more streets or along a single street that forms its own corner and provides frontage along two (2) sides of the same lot. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- (b) **Flag Lot:** A flag lot is a piece of land that's shaped like a flag, with a long, narrow strip that extends from the street to a rectangular main section. The main section of the lot is surrounded by neighbors on all sides, and has no street frontage other than the driveway.
- (c) **Interior Lot.** A lot other than a corner lot with only one (1) frontage on a street.
- (d) **Through Lot.** A lot which has frontage on two (2) streets, each at opposite ends of the lot. Lots which have rear frontage on an alley are not through lots

Figure 18.1: Lot Types



## Massing

The overall bulk, size, physical volume or magnitude of a structure or project.

## Medical Clinic

A healthcare facility offering outpatient medical services to a larger volume of patients, often on a walk-in basis or with same-day appointments. Clinics typically provide a range of services, including urgent care, diagnostic testing, minor surgical procedures, and preventive care. They are designed to handle higher patient turnover and often operate extended hours.

**Medical Office**

A professional office space used by licensed healthcare providers, such as physicians, dentists, or specialists, to provide routine, non-emergency, and outpatient care. Services are typically provided by appointment, and the facility is designed for consultation, diagnosis, and minor treatments that do not require immediate or intensive care.

**Micro-brewery/Micro-distillery/Micro-winery**

Establishments that can respectively brew beer, and/or distill spirituous beverages, and/or produces wine on a small scale not to exceed seventy-five (75) percent of the business square footage and with limited production as regulated by the State. These establishments shall include a tasting room and retail space to sell the local production for consumption on the premises and off premises, along with retail items and food.

**Micro-Irrigation**

An irrigation system with a maximum flow rate per emitter of thirty (30) gallons per hour or less.

**Micromobility**

A range of transportation modes, including walking, biking, and lightweight vehicles that are designed for personal transportation over short distances.

**Mitigation**

Mitigation refers to actions with the goal of lessening or minimizing the impacts of deviations from any Land Development Code required standard in a development.

**Mixed-Use**

More than one (1) different category of permitted use (e.g., residential, commercial, office, institutional, etc.) is located within a development site. This includes vertical and horizontal mixed-use.

**Mobile Billboard**

A mobile billboard, also known as a digital billboard truck, is a large display on the side or back of a truck, trailer, or bus that's used exclusively for advertising.

**Mobile Home**

A residential structure, transportable in one or more sections, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. A travel trailer is not a mobile home.

**Mobility Hub**

Locations where people can access multiple types of transportation modes in a central location (e.g., bike share, public transit, micromobility devices, etc.)

**Modular or Manufactured Building**

A closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled off-site by a manufacturer certified in conformance with this part. This part does not apply to mobile homes.

**Motel**

(See Hotel)

**Mulch**

Non-living organic or synthetic materials customarily used in landscape design to retard erosion and maintain moisture.

**Multiple Frontage Property**

A lot or parcel that is contiguous to more than one (1) right-of-way, being either a corner lot or a through lot.

**Murals**

Unique, hand-rendered works of art such as paintings and mosaics shall be permitted on walls of commercial buildings in non-residential areas. Murals are intended to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed.

**Non-Conforming**

- (a) **Lot.** A lot existing at the effective date of this LDC (and not created for the purposes of evading the restrictions of this LDC) that does not meet the minimum area requirement of the district in which the lot is located.
- (b) **Structure.** Existing improvements which do not meet the minimum requirements of this LDC for the district in which they are located.
- (c) **Use.** Any building or land occupied by a permitted use at the time of adoption of this LDC that does not conform with the use regulations of the district in which it is situated.
- (d) **Sign.** A permitted sign existing in the City before the adoption of this code that does not conform to the requirements of this code.
- (e) **Legally Non-Conforming** Any lot, structure, use, or other activity which was permitted prior to the adoption or amendment of this LDC, but which now fails by reason of such adoption or amendment to conform to all of the applicable requirements of this LDC.

**Obstruction**

Any obstruction that is capable of reducing the flood-carrying capacity of a stream or may accumulate debris and thereby reduce the flood-carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within the floodway by a non-human cause. An artificial obstruction is any obstruction caused by humans.

**Office**

A use where a business, profession, service or government activity is conducted which does not involve retail activities on-site including, but not limited to, banks (without drive-through facilities) and medical clinics, and not including veterinary offices, and hospitals.

**Office, Business**

An office for activities such as real estate, advertising, insurance, travel agency, ticket sales, abstract and title companies, insurance, etc. Retail or wholesale goods are not shown to or delivered from the premises to a customer. A beauty or barber shop is not a business office.

**Office, Professional**

An office for the use of architects, engineers, attorneys, accountants, physicians, lawyers, dentists, etc. Professional offices generally offer consultant services.

**Office Park**

A tract of land that has been planned, developed and operated as an integrated facility for a number of separate office buildings with supporting ancillary uses and open space all designed, planned, constructed, and maintained on a coordinated basis.

**Off-Street Parking**

A lot or parcel of land or structure designed, constructed, or utilized for the temporary storage or parking of motor vehicles. Required off-street parking shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley.

**On-site Sewage Treatment and Disposal System (OSTDS)**



On-site sewage treatment and disposal system, also referred to as system – as defined by Section 381.0065(2), F.S. Appurtenances installed within the building sewer prior to a treatment receptacle shall not be included in this definition. Systems covered by Chapter 403, F.S., are not included in this definition.

**Open Space**

Open space shall mean any portion of a parcel, or area of land or water (less than 10% of requirement), which is open and unobstructed from the ground to the sky, including areas maintained in a natural and undisturbed character and areas which are permeable in nature per the requirements of the Comprehensive Plan.

**Open Space Ratio**

The ratio of the area of open space to the total area of a parcel proposed for development.

**Outdoor Sales Event**

All outdoor sales of merchandise, not located within a permanent structure.

**Outside Storage**

The commercial storage or keeping of building materials, equipment, fuels, goods, commodities, or raw materials outside of a building or structure.

**Parcel**

A measurable area of land with a particular ownership and land use.

**Parking Area Aisles**

That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

**Parking Space**

A portion of the vehicle accommodation area or bicycle parking facility set for the parking of one (1) vehicle or one (1) bicycle.

**Pedestrian Realm**

The public space where people move and interact, composed primarily of the streetscape, recreational areas, and open spaces

**Permanent Control Point (PCP)**

A secondary, horizontal-control monument, in accordance with F.S. Ch. 177.

**Permanent Reference Monument (PRM)**

Permanent Reference Monument provided in accordance with F.S. Ch. 177.

**Personal Service**

An establishment that primarily provides services generally involving the care of a person or his or her apparel, such as barber shops, beauty salons, seamstress shops, shoe repair shops, dry cleaning and laundry pickup facilities, coin-operated laundries, and tuxedo or costume rentals.

**Pervious Paving Materials**

A porous asphaltic, concrete or other surface and a high void aggregate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to, paved surfaces.

**Pet Care Services**

Services identified in the North American Industry Classification System (NAICS) for pet care services, including, but not limited to, pet grooming services, include non-medical activities and services which improve the appearance and hygiene of dogs, cats and other small animals or household pets. Pet care services do not include kennels, kenneling or overnight boarding of pets.

**Pick-Up Windows**

A window within a principal use used for the sale and dispensing of pre-ordered goods and merchandise. Pick-up windows shall not mean or include drive-in or drive-thru restaurants and refreshment stands as defined by this LDC, and said definitions shall be mutually exclusive.

**Plant Bed**

A grouping of trees, shrubs, ground covers, perennials, or annuals growing together in a defined area devoid of turf/turfgrass, normally using mulch around the plants.

**Plat**

A legal map or delineated representation of the subdivision of lands; a complete exact representation of the subdivision and other information in compliance with all applicable statutes and regulations.

**Potable Water**

Water which is satisfactory for drinking, culinary, and domestic purposes and which meets the quality standards of the Florida Department of Environmental Protection (FDEP).

**Premises**

The lot(s), plots, portions or parcels of land and its building(s) are considered as a unit for a single development or activity.

**Primary Frontage**

(See Lot Frontage)

**Protected Wellfield**

Those wellfields with a permitted capacity of one hundred thousand (100,000) GPD or more.

**Public Realm**

The collection of open spaces and places that are accessible to the public regardless of their social status or economic status.

**Recreation**

- (a) **Active Recreation.** Recreational uses, areas, and activities oriented toward potential competition and involving special equipment. Playgrounds, sports fields and courts, swimming pools, golf courses are examples of active recreation uses.
- (b) **Passive Recreation.** Recreational uses, areas or activities oriented to noncompetitive activities that either require no special equipment or are natural areas. Bird watching, bicycle riding, and nature walks are examples of passive recreational activities.

**Recreation, Indoor**

A recreational use that is entirely indoors, such as dance instruction, martial arts instruction, exercise/fitness clubs, yoga instruction, video arcades, arts and crafts studios, pool/billiard halls, indoor playgrounds. Indoor recreation does not include adult entertainment and other adult uses.

**Record Drawing**

A set of approved plans and specifications which identify, at a minimum, substantial deviations referenced in the certification of completion of construction that have occurred since the permit was issued.

**Refuse/Recycling Collection Container**

Any detachable receptacle for the collection of refuse/recyclables that is two (2) cubic yards or larger and is designated or intended for mechanical pick-up.

**Repair Shop with No Outdoor Storage**

A commercial establishment that provides repair services for goods, vehicles, or equipment, where all activities, including storage of materials, tools, and repaired items, are conducted entirely within an enclosed building. No outdoor storage of parts, equipment, or vehicles is permitted.

**Residential Subdivisions**

A subdivision comprised of residential lots.

**Restaurant**

A use providing for the preparation or sale of prepared food for consumption by customers primarily on the premises including the subordinate sale of alcoholic beverages for consumption on premises. Restaurants include outdoor cafes.

**Restaurant (Drive-In)**

A restaurant where food service is provided to customers in motor vehicles for consumption on the premises, whether such food is delivered to the vehicles by the customers or by personnel employed by the operator.

**Restaurant (Drive-Thru)**

A restaurant which has direct window service allowing customers in motor vehicles to order and pick up food for off-premise consumption.

**Retail Use**

A principle category of uses which involves the sale or lease of goods, products, materials, or services directly to the consumer, including but not limited to; banks; greenhouses; retail nurseries; beauty shops; hardware stores; pharmacies, apothecaries and drugstores; repair shops which do not involve heavy machinery or hazardous materials; grocery stores; personal services; art galleries, artisans; post offices; farmers markets; the sale of food or alcohol beverages for consumption; dry cleaners; funeral homes or funeral chapels; convenience stores; and service stations.

**Right-of-Way**

Land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, access or other purpose by the public, certain designated parties, or governing body. "Right-of-way" shall exclude easements that are not a separate tract of land.

**Roomer**

An occupant who has use of a dwelling unit without actual or exclusive possession or ownership of that residence.

**Rooming House**

A residential use consisting of at least one (1) dwelling unit which includes one (1) or more rooms that are rented or intended to be rented to more than one (1) family, but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding house or rooming house is designed to be occupied by longer term residents (month to month) as opposed to overnight or weekly guests.

**Runoff**

Water from precipitation or irrigation that flows over the ground surface and is not absorbed into the ground, instead flowing into channels, streams, or other surface waters or land depressions.

**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.

**Septic Tank**

(See On-site Sewage Treatment and Disposal System)

**Service Station, Automotive**

Any building structure or land used for the dispensing, sale or offering for sale at retail any automobile fuels, oils, or accessories. General automotive servicing, as distinguished from automotive repair, may also be performed.

**Setback**

The minimum or maximum required distance between a structure and the lot lines of the lot on which the structure is located.

- (a) **Front.** The minimum or maximum required distance from the building or structure to the front property line.
- (b) **Side.** The minimum or maximum required distance from the building or structure to the side property line.
- (c) **Rear.** The minimum or maximum required distance from the building or structure to the rear property line.
- (d) **Street-side.** The minimum or maximum required distance from the building or structure to the street-side property line.

**Shopping Center**

Two or more commercial businesses or occupants planned, constructed and/or managed as a total entity with unified design and customer and employee parking provided on-site.

**Short-Term Residential Rentals**

Rental of residential units for a time period no more than six (6) months.

**Sidewalk**

The paved portion of a right-of-way between the curblineline, or the lateral line, of a street and the adjacent property lines, intended for use by pedestrians.

**Sight Distance Triangle**

The triangular shaped area located the intersection of two (2) streets, whether public or private, or a street and private driveway through which an unobstructed view is necessary for the safety of motorists, bicyclists, and pedestrians. The extent of the sight triangle shall be calculated in accordance with the standards in the Florida Greenbook.

**Sign**

A written and/or illustrated device or display including structural or supporting elements, consisting of letters, numbers, symbols, pictures, illustrations, announcements, decorations, emblems, cut-outs, insignias, trademarks or demonstrations, banners, pennant strings, attached balloons, streamers, spinners, or ribbons, that is designed to convey information to the public. Any person or animal stationed at or proximate to a business site or on the public right-of-way for the purpose of attracting attention to a business by actions, props, signage or attire shall be deemed to be an off-site sign. Wall murals, life-scenes and artwork that do not communicate informational messages, apart from any artistic or aesthetic enjoyment, are not signs.

**Sign, A-Frame**

A portable sign that is not permanently affixed to the ground.

**Sign, Animated**

A sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes including, but not limited to, signs using electronic ink, signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays, such as an LED (light emitting diode) screen or any other type of video display, even if the message is stationary.

**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, Attached**

A sign attached to, on, or supported by any part of a building (e.g., walls, awning, windows, or canopy)

**Sign, Attention-Getting Devices**

Include, but are not limited to, any pennant, streamers, propeller, spinner, valance, banner, search light, balloon or other inflatable, commercial mascots, humans holding or wearing signs, or similar device or ornamentation designed for or having the effect of and utilized for attracting attention, commercial promotion or advertising and not otherwise prohibited by this LDC.

**Sign, Awning**

A sign attached or applied to an awning with the term awning meaning any rigid or movable (retractable) roof-like structure, cantilevered, or otherwise entirely supported from a building.

**Sign, Background**

Area behind the lettering on a freestanding or wall sign. The sign background is that portion of the sign surface or building façade which is reasonably coterminous with the area of the sign. Color, texture and/or materials used on the sign background, if different from the color, texture and/or materials used on the building exterior shall be limited to the sign area.

**Sign, Balloon**

A flexible bag designed to be inflated with air or with a gas, such as helium, that may be lighter than the surrounding air, which may rise and float in the atmosphere whether natural or artificially. A cold air inflatable falls within this definition.

**Sign, Banner**

A sign, often made of wind- and weather-resistant cloth or other lightweight material, that is not permanently attached to a solid backing of wood, plastic, metal, masonry, or similar rigid material, and possessing characters, letters, illustrations or ornamentations.

**Sign, Bench**

A sign appearing on a bench.

**Sign, Billboard**

A sign structure or sign utilized for advertising an establishment, an activity, a product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign structure or sign is located. This is a prohibited type of sign.

**Sign, Bus Shelter Advertising**

An advertising sign appearing on a bus shelter.

**Sign, Bus Stop Informational**

A freestanding or attached non-commercial sign located at a bus stop and providing information as to the route, hours or times of service.

**Sign, Campaign**

A sign which concerns an election.

**Sign, Canopy**

A sign that is a part of or printed, stamped, stitched or otherwise applied onto a canopy located over a door, entrance, window or outdoor service area with a canopy being any fixed roof-like structure, not movable like an awning, and which is cantilevered in whole or in part self-supporting.

**Sign, Changeable Copy**

A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign. A changeable electronic variable message sign is included in this term.

**Sign, Changeable Electronic Variable Message ("CEVM")**

A sign which uses electronic means to display changeable or intermittent images such as by turning on or off various lighting elements including, but not limited to, any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use. The term includes display technology such as a light emitting diode (LED) or digital displays which can vary in color or intensity, or any system which is functionally equivalent. Messages often scroll in this type of sign.

**Sign, Commercial Mascot**

A person, animal, or object used as the symbol of an organization such as a sports team or business which can be humans or animals used as advertising devices for commercial establishments, typically by the holding or wearing of insignia, masks or costumes associated with the commercial establishment.

**Sign, Commercial Message**

Wording, a logo or other representation or image located on a sign that directly or indirectly names, advertises or calls attention to a product, service, sale or sales event or other commercial activity.

**Sign, Construction**

A sign identifying the ongoing construction activity during the time that a building permit is active and prior to the completion of the work for which the permit was issued and announcing and identifying the name of principal contractors, sub-contractor, architects, or lending institutions engaged to perform construction activity on the site. It is the obligation of contractors to appropriately place construction signs at appropriate location during the course and time period when construction activities are occurring on property.

**Sign, Directional**

A sign located on premises with exits, entrances, driveways or off-street parking.

**Sign, Directory**

A sign which lists the names and locations of occupants or the use of a building. This type of sign is typically utilized for multi-tenant buildings and complexes.

**Sign, Discontinued**

(See Non-Conforming Sign)

**Sign, Double-Faced**

A sign with two (2) faces which describe an internal angle between face planes extended of no more than thirty (30) degrees.

**Sign Face**

The plane area which is defined as sign area.

**Sign, Flashing**

A sign that permits light to be turned on or off intermittently.

**Sign, Free Speech**

A sign implementing and protecting by action a person's First Amendment right to free speech in order to express any lawful non-commercial message.

**Sign, Freestanding**

A sign supported by uprights or braces placed upon, or in, or supported by the ground, a fence, or non-structural wall.

**Sign, Garage or Yard Sale**

A sign pertaining to the sale of personal property in, at or upon any residentially-zoned property located in the City. Garage or yard sales shall include, but not be limited to, garage sale, yard sales, lawn sale, front yard sale, backyard sale, attic sale, rummage sale, patio sale, moving sale and similar uses involving the retail sales of used or secondhand goods or merchandise in connection with a lawfully existing dwelling unit on property within any zoning district, and shall include the advertising of the holding of any such sale, or other offering to make any sale, whether made under any name such as garage sale, yard sales, lawn sale, front yard sale, backyard sale, attic sale, rummage sale, patio sale, moving sale, or any similar designation.

**Sign, Hanging**

A sign projecting underneath or on the underside of any structural overhang or passageway and perpendicular to the front building façade.

**Sign, Height of**

The distance between the top of a sign and the average grade elevation below the top of the sign.

**Sign, Holiday and Seasonal Decorations**

Decorations that pertain to legal or other recognized holidays or to a season of the year. Such decorations shall not include copy. Such decorations shall be a sign only if copy is present on the decorations.

**Sign, Holographic Display**

A sign consisting of an advertising display that creates a three-dimensional image through projection, OLED (organic light emitting diode), or any similar technology.

**Sign, Identification**

A sign used to indicate to the public the firm name, the character of the business carried on or the major enterprise or products offered on the premises where located. See Sign, Wall.

**Sign, Illuminated**

A sign which is illuminated, in whole or part, by artificial light.

**Sign, Indirectly Illuminated**

A sign the facing of which reflects light from a source intentionally directed upon the sign.

**Sign, Internally Illuminated**

A sign which has as a source of light, a source which is entirely enclosed within the sign, which source is not visible to the eye.

**Sign, Light Emitting Diode (LED)**

A sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture or message of any kind whether the image, picture or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro luminescence (OEL) or any similar technology.

**Sign, Machinery and Equipment**

A sign that is integral to the machinery or equipment and that identifies the manufacturer of the machinery or equipment that is placed on the machinery or equipment at the factory at the time of manufacture.

**Sign, Marquee**

A sign with a permanent wall- or roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather with a marquee being a permanent roofed structure attached to and supported by the building and that projects into the right-of-way.

**Sign, Master Plan**

A comprehensive document that contains a set of sign criteria that is unique to a specific shopping center, commercial property, building or other development that has the need at present or potentially in the future, for three or more tenant signs, or as required by this LDC.

**Sign, Menu Board**

A sign placed at the beginning of a drive-through service lane of a food service establishment that includes a menu and a two-way speaker system for taking food orders.

**Sign, Mobile Advertising**

A motor vehicle of any type or nature as defined by State law, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard (including, but not limited to, any bicycle, motorized scooter, electric personal assistive mobility device, or moped with all terms being defined in State law) for the primary purpose of advertising. This term does not include identifying information on a motor vehicle such as, by way of example, contact information on a taxi-cab, business identifying information on a business truck or van, fleet information on a bus or any type of information of a similar use or character. This term does not include advertising that is painted on a motor vehicle such as, by way of example, a bus fleet with advertising painted on the bus, but not separate and apart from the painting of the bus. It is prohibited and unlawful for motor vehicles or vessels which are identified as "for sale" to be parked in public rights-of-way or in buffer areas along arterial or collector streets.

**Sign, Monument**

A freestanding sign which has the vertical structural supports concealed in an enclosed base.

**Sign, Multi-Face**

(See Double-Faced Sign)

**Sign, Off-Site**

A sign which identifies an activity that is not conducted on the premises or which identifies products or services which are not available on the premises where such sign is located.

**Sign, On-Site**

A sign that (1) identifies an activity conducted or products or services available on the premises where the sign is located, (2) displays a non-commercial message, or (3) displays any combination of the first two (2).

**Sign, Parasite**

A sign for which no permit has been issued, and which is attached to another sign.



**Sign, Pennant**

A series of small flag-like or streamer-like pieces of cloth, plastic or paper, or similar material attached in a row to any staff, cord, building, or at only one (1) or two (2) edges, the remainder hanging loosely.

**Sign, Permanent**

A sign which, when installed, is intended for permanent use.

**Sign, Pole**

A freestanding sign that is supported from the ground up by one or more poles, columns, uprights, braces, or anchors.

**Sign, Portable**

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.

**Sign, Projecting**

A sign supported by a wall of a building projecting from that wall and designed with a face or faces reading perpendicular to that wall.

**Sign, Real Estate**

A temporary sign on a premises offered for sale or rent.

**Sign, Roof**

A sign painted on or affixed to the roof of a building and primarily supported by that roof structure.

**Sign, Safety**

See Warning Sign.

**Sign, Snipe**

An unpermitted sign tacked, nailed, posted, pasted, glued or otherwise attached to trees (living or dead), poles including, but not limited to communication and utility poles, stakes, fences or to other objects, with the message appearing thereon not applicable to the present use of the premises or structure upon which located.

**Sign, Statutory**

A sign required by any statute of the City or the government of Seminole County, the State of Florida or the United States which, absent a controlling Federal or State law.

**Sign, Streamer**

A long, narrow strip of material used as a decoration or symbol.

**Sign Structure**

The uprights, supports, braces and framework supporting a sign.

**Sign, Subdivision Primary Entrance**

A subdivision entrance located at the periphery of the subdivision giving access to a right-of-way.

**Sign, Temporary**

A sign used for a temporary period of time.

**Sign, Three-dimensional**

A sign that has a depth or relief on their surface greater than six (6) inches.

**Sign, Traffic Control Device**

A sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) as promulgated by the Florida Department of Transportation in accordance with the provisions of F.S. § 316.0745 and other controlling law. A traffic control device sign includes, but is not limited to, those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent) and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

**Sign, Umbrella**

A sign printed on umbrellas used for legal outdoor eating and drinking establishments, push-carts, sidewalk cafes and which is made of a lightweight fabric or similar material.

**Sign, Vehicle**

A sign or signs where the total sign area covers more than ten (10) square feet of the vehicle including, but not limited to, a sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property. This term shall include signs placed upon vessels for the same purpose.

**Sign, Wall**

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.

**Sign, Warning**

A sign which provides warning of a dangerous condition or situation that might not be readily apparent to the public or a condition or situation that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.). A safety sign falls within the definition of this term.

**Sign, Window**

A permanent sign affixed to, suspended behind, or painted on either face of a window or glass door that leads to the exterior of the building.

**Site Plan**

An illustration of the details of development of areas such as commercial, industrial, recreational, multifamily residential and other uses not being platted.

**Special Event**

A single non-recurring (no more than once per year) or seasonal event to which the public is invited to watch, listen or participate including, but not limited to, the following:

- (a) Activities held within public right-of-way, including but not limited to, street races, block parties, and parades;
- (b) Activities held on non-City property with more than two hundred (200) attendees;
- (c) City signature event;
- (d) Non-profit events that request off-site signage; and
- (e) Food trucks used for preparing and selling food unless approved by an issuance of a site development order.

**Special Exception Use Order**

An order issued by the City Council after recommendation of LPA, which allows certain uses within a zoning district that are not generally permissible throughout the district, but which if controlled as to number, area, location, or relation to the neighborhood, could promote the public health, safety, and welfare.

**Spillover**

The casting, reflecting or transmission of light or glare beyond the boundaries of the property.

**Sports Fields**

Those areas used solely for the purpose of playing sporting events (eq. - soccer fields, softball or baseball fields). Only the surfaces used to engage in these activities fall under the category of "sports fields."

**Street**

Any thoroughfare, street, avenue, boulevard or space more than twenty (20) feet (six thousand ninety-six (6,096) mm) wide which has been dedicated or deeded for vehicular use by the public and which can be used for access by fire department vehicles.

**Street, Arterial:** A street which provides the highest degree of mobility and largest proportion of total travel. Arterial streets have higher design standards than other streets. They often have multiple lanes and some degree of access control.

**Street, Collector:** A street which provides a mix of mobility and land access functions, linking major land uses to each other and/or to arterial streets. On-street parking is only allowed in cases where there is additional right-of-way (ROW) and a safety problem will not be created. Access is managed to minimize the number of driveways.

**Street, Dead End:** A street that terminates in a vehicular turnaround.

**Street, Local Commercial:** A street located within a commercial or industrial subdivision that provides access to the commercial or industrial property within that subdivision as its primary function. On-street parking is generally not allowed. Access is managed to minimize the number of driveways.

**Street, Local Neighborhood:** A street with land access as its primary function. In general, on-street parking is allowed and access is unlimited, subject to driveway spacing restrictions.

### **Streetscape**

Streetscape is defined as everything that makes up the scene of a street which can include the street, public realm, street trees and landscape, on-street parking, buildings, open space, benches and seating opportunities, utilities, streetlights, trash receptacles, and other components making up the urban fabric.

### **Structure**

(1) Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location. Among other things, structures include buildings, boat docks, boat ramps, walls, fences, etc.

(2) With regards to floodways, any construction that diminishes the functional floodway capacity as determined by FEMA.

### **Structure, Temporary**

Any structure serving a temporary use, such as a field or sales office, contractor's office, etc.

### **Structured Parking (Parking Garage)**

A multi-level facility contained within a building to provide parking spaces, excluding covered surface parking.

### **Subdivision**

The division of a parcel of land, whether improved or unimproved into two (2) or more lots or parcels of land for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets. The City may grant a waiver to the platting requirements for subdivisions with three (3) lots or less.

### **Substantial Improvement**

Any repair, reconstruction, or improvement of a building, (for any building constructed prior to the effective date of this LDC) the cost of which either equals or exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair is started or (2) if the structure has been damaged and is being restored, before the damage occurred.

### **Temporary Connection**

A permitted connection for a specific property that is conditioned to be open for a specific purpose and traffic volume for a specific period of time with the right-of-way to be restored by the applicant to its original condition upon connection closure.

### **Temporary Construction Office**

A temporary construction office is a portable office space used for short-term needs on a construction site.

### **Temporary Facilities**

Any structure serving a temporary use, such as a field office, sales office, or contractor's office, etc.

### **Temporary Residences**

A trailer or similar unit designed for temporary residential occupancy pending the construction, repair, or renovation of the permanent residential building.

**Through Lot**

(See Lot Types)

**Townhome**

(See Dwelling Unit, Townhome)

**Travel Trailer**

A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. A travel trailer is not a mobile home.

**Tree**

Any living, self-supporting, perennial plant which has at least two-and-a-half (2.5) inch D.B.H. and normally grows to a minimum overall height of fifteen (15) feet.

**Trees, Champion**

Exceptionally large and old trees, 30 inches in DBH or greater, that are of significant ecological, aesthetic, or cultural value as designated by City Council.

**Trees, Heritage**

A native tree that is designated as irreplaceable due to its size, age, or cultural significance.

**Tree, Large (Canopy or Overstory)**

For the purposes of this LDC a canopy or overstory tree shall refer to a large tree as defined by the Florida-Friendly Landscaping™ Plant Guide.

**Tree, Small and Medium (Understory)**

A dicot tree that may have multiple trunks, which normally grows to a mature height of thirty (30) feet or less.

**Turf/Turfgrass**

A surface layer of earth containing a dense growth of grass and its roots.

**Underlying District Regulations**

The regulations associated with the district in which a parcel of land is located.

**Use**

The activity or function that actually takes place or is intended to take place on a lot.

**Useable Open Space**

An area that:

- (a) Is not encumbered with any substantial structure;
- (b) Is not devoted to use as a street, parking area, or sidewalk;
- (c) Is left (as of the date development began) in its natural or undisturbed state if wooded, except for the cutting of trails for walking or jogging, or active ballfields, or, if not wooded at the time of development, is landscaped for ball fields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective set forth in the Comprehensive Plan; and
- (d) Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation,
- (e) Is legally and practically accessible to the residents of the development out of which the required open space is taken, or to the public if the area is dedicated to the City; and
- (f) Consists of land no more than twenty-five (25) percent of which lies in a floodplain or floodway.

**Utility Facility**

Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose and used in connection

with the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil, or electronic signals (except for communication towers).

**Utility Line**

The infrastructure used for the transmission or distribution of utility services, including, but are not limited to sewer, water supply, electrical power, gas, communications, and transport facilities. These lines may be located above ground, underground, or on the surface and are typically part of a broader utility system that includes poles, conduits, pipes, wires, cables, and other associated equipment necessary for the operation, maintenance, and delivery of utility services.

**Utility Pole**

A tall cylinder, often embedded with climbing spikes above normal reach, usually topped by a cross beam, used by a public utility to transmit wire, cable or conduit through the air, for the transportation of electricity, cable television, communication, lighting on private or public property or similar services.

**Vehicle Accommodation Area**

That portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, and parking areas (spaces and aisles).

**Vehicular Use Areas**

Those areas of a parcel proposed for development which are accessible to and commonly used by automobiles, including parking lots, driveways, service and loading areas, but not including structured parking.

**Veterinarian**

An animal clinic or hospital that provides medical care, treatment, and surgical services for animals. Routine or non-emergency overnight boarding of animals is not permitted. However, animals may remain overnight strictly in emergency cases or when medically necessary for post-surgical care or observation.

**Water Features**

Features of a site that hold water including but not limited to natural features (lakes, wetlands, rivers, creeks, etc.), or artificial features (stormwater ponds, fountains, and canals.)

**Water Use Zone**

A distinct grouping of plants with similar water needs and climatic requirements. The water use zones are as follows:

- (a) **Low-Water Use Zone.** Zones including plants which survive on natural rainfall without supplemental water.
- (b) **Medium-Water Use Zone.** Zones including plants which survive on natural rainfall with supplemental water during seasonal dry periods.
- (c) **High-Water Use Zone.** Zones including plants which are associated with moist soils and require supplemental water in addition to natural rainfall to survive.

**Wellhead Protection Zone**

All land within a five-hundred-foot radius of an existing or designated protected wellhead.

**Wellhead Zone of Exclusion**

All land within a two-hundred-foot radius of an existing or designated protected wellhead.

**Wetlands**

Those areas which are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soils.

**Wetland Boundary**

The landward extent of a wetland which is determined by the dominance of plant species, soils, and other hydrologic evidence indicative of regular and periodic inundation or saturation.

**Wetland Compatible Development Activities**

Those activities which do not cause a diminishing of wetland functions.

**Wetland Development Activity**

Those activities for which compatibility rankings and performance standards have been developed:

- (a) Boardwalks, docks and gazebos.
- (b) Bulkheading (impounding, interrupting or diverting surface water).
- (c) Clearing of vegetation (in conjunction with the construction of permitted structures).
- (d) Cultivating naturally occurring agricultural and horticultural products.
- (e) Discharge of domestic, agricultural, or industrial wastes (pursuant to DER permit or the discharge of stormwater runoff waters from adjacent land).
- (f) Drainage ditches.
- (g) Dredging (other than mosquito control or "drainage ditches").
- (h) Filling.
- (i) Harvesting of timber and wood products.
- (j) Hazardous material (storage, use, or disposal of any hazardous material).
- (k) Landscaping and establishing planting.
- (l) Restoration or expansion or modification of existing structures and improved areas.
- (m) Septic tanks (installation of septic tanks).
- (n) Solid waste disposal.
- (o) Stormwater retention/detention basins.
- (p) Structure (construction of permitted structures).
- (q) Utility installation.

**Wetland Direct Hydrologic Connection**

Connection to a wetland where a flow of surface water occurs on an average of thirty (30) or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of wetlands may be used to establish a direct hydrologic connection.

**Wetland Enhancement**

The manipulation of the physical, chemical, or biological characteristics of a wetland (undisturbed or degraded) to heighten, intensify, or improve specific function(s) or for a purpose such as water quality improvement, flood water retention, or wildlife habitat.

**Wetland Functions**

The physical, chemical, or biological processes or attributes that are vital to the integrity of the wetland system. Key functions include: water quality regulation, providing habitat for plant and animal species, recharging groundwater and aquifers, regulating local climate conditions, providing recreational and education opportunities, and alleviating flooding.

**Wetland Mitigation/Compensation**

A wetland enhancement, restoration, creation, and/or preservation project that serves to offset unavoidable wetland impacts is known as wetland mitigation or compensatory mitigation. The ecological benefits of a mitigation project should compensate for the functional loss resulting from the permitted wetland impact.

**Wetland Performance Standards**

Standards for actions taken to prevent or minimize adverse impacts on wetlands as a result of development activities.

**Wetland Significance**

The degree to which wetlands functions are performed by a wetland.

**Wholesale Sales**

On-premises sale of goods primarily to customers engaged in the business of reselling the goods.

**Yard**

An open space on the same lot with a building, said space being unoccupied and unobstructed from the ground upward, with the exception of trees and other vegetation. Fences, walls, children's play equipment and other customary yard accessories may be permitted in rear and side yards and some front yards subject to height, visibility limitations and other requirements of this LDC.

- (a) Front Yard.** A yard extending between side lot lines, parallel across the front of a lot adjoining a street. In cases of through lots and corner lots, front yards shall be provided on all frontages. The minimum front building setback distance shall be maintained at every point along the street.
- (b) Rear Yard.** A yard extending across the rear of the lot between the side lot lines. In the case of through lots, there will be no rear yard. The depth of the rear yard shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The rearmost point of the side lot line in the case of rounded or irregular property corners shall be assumed to be the point at which the side and rear lines would have met without such rounding or irregularity.
- (c) Side Yard.** A yard extending from the rear line of the required front yard to the front line of the rear yard, or in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards will extend from the rear lines of the required front yards. In the case of corner lots, there may be only one (1) side yard, and that yard will be the yard(s) remaining after providing two (2) front yards and designating a rear yard.
- (d) Street-side Yard.** A yard extending along the street-side of a corner lot from the front lot line to the rear lot line, and to a depth specified by the zoning district for which the property is located and measured inward from the street-side lot line.
- (e) Minimum Yard.** In addition to other yard requirements, a minimum yard equal in depth to the established district building setback shall be provided parallel to all property lines. Accessory uses may be allowed within the minimum yard area in accordance with the Land Development Code.



**Figure 18.2. Defining Yards and Setbacks**

